

THIRTIETH DAY

St. Paul, Minnesota, Monday, March 27, 1995

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Pat Piper.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Anderson	Frederickson	Kroening	Neuville	Runbeck
Beckman	Hanson	Laidig	Novak	Sams
Belanger	Hottinger	Langseth	Oliver	Samuelson
Berg	Janezich	Larson	Olson	Scheevel
Berglin	Johnson, D.E.	Lesewski	Ourada	Solon
Bertram	Johnson, D.J.	Lessard	Pappas	Spear
Betzold	Johnson, J.B.	Limmer	Pariseau	Stevens
Chandler	Johnston	Marty	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Kleis	Moe, R.D.	Ranum	Wiener
Dille	Knutson	Mondale	Reichgott Junge	
Finn	Kramer	Morse	Riveness	
Flynn	Krentz	Murphy	Robertson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 145.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1995

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 229: A bill for an act relating to government data practices; medical examiner data; allowing sharing of such data with a state or federal agency charged with investigating a death; amending Minnesota Statutes 1994, section 13.83, subdivisions 4 and 5.

Senate File No. 229 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1995

CONCURRENCE AND REPASSAGE

Ms. Kiscaden moved that the Senate concur in the amendments by the House to S.F. No. 229 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 229 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kroening	Murphy	Riveness
Beckman	Frederickson	Laidig	Neuville	Robertson
Belanger	Hanson	Langseth	Novak	Runbeck
Berg	Hottinger	Larson	Oliver	Sams
Berglin	Johnson, D.E.	Lesewski	Olson	Scheevel
Bertram	Johnson, D.J.	Lessard	Ourada	Spear
Betzold	Johnson, J.B.	Limmer	Pappas	Stevens
Chandler	Johnston	Marty	Pariseau	Stumpf
Chmielewski	Kiscaden	Merriam	Piper	Terwilliger
Cohen	Kleis	Metzen	Pogemiller	Vickerman
Day	Knutson	Moe, R.D.	Price	Wiener
Dille	Kramer	Mondale	Ranum	
Finn	Krentz	Morse	Reichgott Junge	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 281: A bill for an act relating to metropolitan government; clarifying language and changing obsolete references; amending Minnesota Statutes 1994, sections 275.066; 473.121, subdivision 11; 473.13, subdivisions 1 and 2; 473.164, subdivision 3; 473.375, subdivisions 9 and 13; 473.385, subdivision 2; 473.386, subdivisions 1, 2, and 5; 473.388, subdivision 4; 473.39, subdivision 1b; 473.446, subdivision 8; 473.448; 473.505; 473.595, subdivision 3; and Laws 1994, chapter 628, article 2, section 5; repealing Minnesota Statutes 1994, section 473.394.

Senate File No. 281 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1995

Ms. Flynn moved that the Senate do not concur in the amendments by the House to S.F. No. 281, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 733, 1055 and 1101.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 23, 1995

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 733: A bill for an act relating to employment; modifying provisions relating to high pressure piping installation; providing penalties; amending Minnesota Statutes 1994, sections 326.48, subdivisions 1, 2, 3, 4, and 5; 326.50; 326.51; and 326.52; repealing Minnesota Statutes 1994, section 326.47, subdivisions 3 and 4.

Referred to the Committee on Jobs, Energy and Community Development.

H.F. No. 1055: A bill for an act relating to waters; eliminating the position of board of water and soil resources secretary; increasing board members' compensation; duties of advisory committees; rule approval procedure; guidelines for management plans; exemptions from review; appeals from rules, permit decisions, and orders; informal dispute resolution; assessment basis; amending Minnesota Statutes 1994, sections 103D.011, subdivision 21; 103D.101, subdivision 4; 103D.205, subdivisions 1 and 4; 103D.221, subdivision 2; 103D.255, subdivision 1; 103D.261, subdivision 1; 103D.271, subdivisions 2 and 4; 103D.305, subdivision 1; 103D.311, subdivision 4; 103D.315, subdivisions 1, 8, and 11; 103D.321, subdivision 2; 103D.331; 103D.335, subdivisions 5, 6, and 13; 103D.341, subdivision 2; 103D.351; 103D.401, subdivisions 1 and 2; 103D.405, subdivision 1; 103D.515, subdivision 4; 103D.531; 103D.535, subdivisions 1, 4, and 5; 103D.537; 103D.611, subdivisions 1, 4, and 5; 103D.621, subdivision 4; 103D.625, subdivisions 3 and 4; 103D.631, subdivision 2; 103D.635, subdivisions 1 and 3; 103D.705, subdivision 1; 103D.711, subdivision 2; 103D.715, subdivision 3; 103D.721, subdivision 2; 103D.741, subdivision 1; 103D.745, subdivisions 2 and 3; 103D.811, subdivisions 1 and 3; 103D.901, subdivisions 2, 4, and 5; 103D.905, subdivisions 3 and 5; 103D.921, subdivisions 1 and 3; and 103D.925; proposing coding for new law in Minnesota Statutes, chapter 103D.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1101: A bill for an act relating to water law; making miscellaneous technical corrections to water law; delegation of permit authority; minimal impact permits; removal of hazardous dams; amending Minnesota Statutes 1994, sections 103F.215, subdivision 1; 103F.221, subdivision 1; 103G.005, subdivision 14; 103G.105; 103G.111, subdivision 1; 103G.121, subdivision 1; 103G.135; 103G.245, subdivisions 3 and 5; 103G.271, subdivision 2; 103G.275, subdivision 1; 103G.295, subdivision 4; 103G.301, subdivision 2; 103G.315, subdivisions 12 and 15; 103G.511, subdivision 12; 103G.515, by adding a subdivision; and 103G.611, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 615: A bill for an act relating to transportation; establishing a high-speed bus service pilot project in the metropolitan area.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [HIGH-SPEED BUS SERVICE PILOT PROJECT.]

The metropolitan council shall implement a high-speed bus service pilot project in consultation with the high-speed bus service advisory committee established in section 2. The implementation of the high-speed bus service pilot project does not alter the provision of transit services in the metropolitan area pursuant to Minnesota Statutes, sections 473.371 to 473.449.

Sec. 2. [HIGH-SPEED BUS ADVISORY COMMITTEE.]

The metropolitan council shall establish a high-speed bus service pilot project advisory committee to assist the council in implementing the service. The committee shall consist of:

- (1) a representative of each city in which the high-speed bus service pilot project is located;
- (2) a representative of Dakota county, appointed by the county board;
- (3) a representative of Carver county, appointed by the county board;
- (4) a representative of Ramsey county, appointed by the county board;
- (5) a representative of Hennepin county, appointed by the county board;
- (6) the commissioner of transportation or the commissioner's designee; and
- (7) a representative of the metropolitan council, appointed by the council chair.

This section expires July 31, 1999.

Sec. 3. [REPORT.]

The metropolitan council shall evaluate the high-speed bus service pilot project and report to the legislature by February 1, 1999. The report must include, but is not limited to, data on ridership, hours of service, miles of service, operating costs, operating subsidies, fare box recovery rate, and capital costs. The report must also discuss the impact of the high-speed bus service on highway congestion, regional transit ridership, air quality, types of service provided, and other quantitative and qualitative information that will help the council and the legislature to evaluate the effectiveness of high-speed bus service.

Sec. 4. [APPLICATION.]

Sections 1 to 3 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 172: A bill for an act relating to motor vehicles; providing for issuance of manufacturer test plates; amending Minnesota Statutes 1994, sections 168.12, subdivisions 1 and 5; and 168.28; proposing coding for new law in Minnesota Statutes, chapter 168.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 168.012, is amended by adding a subdivision to read:

Subd. 5a. [VEHICLES USED FOR TESTING.] Motor vehicles operated for testing under section 168.25 are not subject to registration taxes under this chapter.

Sec. 2. [168.25] [VEHICLES USED FOR TESTING.]

Subdivision 1. [PLATES.] The registrar shall, on request, issue to a first-stage manufacturer of motor vehicles one or more manufacturer test plates that display a general distinguishing number. The fee for each of the first four plates is \$40 per calendar year, of which \$25 must be paid to the registrar and the remaining \$15 is payable as sales tax on motor vehicles under section 297B.035. For each additional plate, the manufacturer shall pay the registrar a fee of \$10 and a tax on motor vehicles under section 297B.035 of \$15 per calendar year. The registrar shall deposit the tax in the state treasury to be credited under section 297B.09.

Subd. 2. [PERMITTED USES.] A motor vehicle owned by a first-stage manufacturer and bearing the number plate issued under subdivision 1 may be operated on public streets and highways by the manufacturer or an employee or agent of the manufacturer, for the purpose of conducting specialized cold weather testing, and for transportation to and from a bona fide cold weather testing station.

Sec. 3. [297B.0351] [MANUFACTURER'S TESTING VEHICLES.]

Except as provided in section 168.25, a vehicle purchased by a first-stage motor vehicle manufacturer and licensed under that section is exempt from the provisions of this chapter.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to motor vehicles; providing for issuance of manufacturer test plates; amending Minnesota Statutes 1994, section 168.012, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 168; and 297B."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 965: A bill for an act relating to transportation; authorizing issuance of permits for 12-foot wide loads of baled straw; amending Minnesota Statutes 1994, sections 169.851, subdivision 1; and 169.862.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, after "vehicle" insert ", having a maximum width of 102 inches,"

Page 1, line 24, after the comma, insert "each bale having a minimum size of four feet by four feet by eight feet,"

Page 1, line 25, delete "the vehicle or"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 457: A bill for an act relating to insurance; no-fault auto; regulating priorities of coverage for taxis; amending Minnesota Statutes 1994, section 65B.47, subdivision 1a.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 838: A bill for an act relating to barbers; exempting persons performing barbering services for charitable purposes from registration and other requirements; amending Minnesota Statutes 1994, section 154.04.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1060: A bill for an act relating to employment; modifying provisions relating to reemployment insurance; amending Minnesota Statutes 1994, sections 268.04, subdivision 10; 268.06, subdivisions 3a, 18, 19, 20, and 22; 268.08, subdivision 6; 268.10, subdivision 2; 268.12, subdivision 12; 268.16, subdivision 6, and by adding a subdivision; 268.161, subdivisions 8 and 9; 268.162, subdivision 2; 268.163, subdivision 3; 268.164, subdivision 3; 268.18, subdivisions 1, 2, 3, and 6; 270A.09, subdivision 1a; 352.01, subdivision 2b; 352.22, subdivision 10; and 574.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1994, sections 268.10, subdivisions 3, 4, 5, 6, 7, 8, 9, and 10; and 268.12, subdivisions 9, 10, and 13.

Reports the same back with the recommendation that the bill be amended as follows:

Page 9, after line 30, insert:

"Sec. 8. Minnesota Statutes 1994, section 268.08, is amended by adding a subdivision to read:

Subd. 5a. [SELF EMPLOYMENT.] (a) An individual who is determined to be likely to exhaust regular reemployment insurance benefits and is enrolled in a dislocated worker program shall be considered in approved training for purposes of this chapter for each week the individual is engaged on a full-time basis in activities, including training, relating to the establishment of a business and becoming self employed. An individual who meets the requirements of this subdivision shall be considered unemployed for purposes of this chapter. Income earned from the self-employment activity shall not be considered for purposes of section 268.07, subdivision 2, paragraph (g). Under no circumstances shall more than five percent of the number of individuals receiving regular reemployment insurance benefits be actively enrolled in this program at any time. This subdivision shall not apply to persons claiming state or federal extended or additional benefits.

(b) This subdivision shall apply to weeks beginning after the date of enactment or weeks beginning after approval of this subdivision by the United States Department of Labor whichever date is later. This subdivision shall have no force or effect for any purpose as of the end of the week preceding the date when federal law no longer authorizes the provisions of this subdivision, unless such date is a Saturday in which case this subdivision shall have no force and effect for any purpose as of that date."

Page 19, after line 27, insert:

"Sec. 13. Minnesota Statutes 1994, section 268.16, subdivision 3a, is amended to read:

Subd. 3a. [COSTS.] Any employing unit which fails to make and submit reports or pay any contributions or reimbursement when due is liable to the department for any recording fees, sheriff fees, costs incurred by referral to any public or private agency outside the department, or litigation costs incurred in the collection of the amounts due or obtaining the reports.

If any check or money order, in payment of any amount due under this chapter, is not honored when presented for payment, the employing unit will be assessed a fee of \$20 which is in addition to any other fees provided by this chapter. The fee shall be assessed regardless of the amount of the check or money order or the reason for nonpayment with the exception of processing errors made by a financial institution.

Costs due under this subdivision shall be paid to the department and credited to the administration fund."

Page 37, line 8, delete "27" and insert "29"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "6" insert ", and by adding a subdivision"

Page 1, line 7, delete "subdivision 6" and insert "subdivisions 3a, 6"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 979: A bill for an act relating to motor carriers; regulating hazardous material transporters; requiring fingerprints of motor carrier managers for criminal background checks; making technical changes related to calculating proportional mileage under the international registration plan; specifying violations that may result in suspension or revocation of permit; making technical changes relating to hazardous waste transporter licenses; providing for disposition of fees collected for hazardous material registration, licensing, and permitting; abolishing a sunset provision; amending Minnesota Statutes 1994, section 221.0355, subdivisions 3, 5, 6, 12, 15, and by adding a subdivision; Laws 1994, chapter 589, section 8.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 221.0355, subdivision 3, is amended to read:

Subd. 3. [GENERAL REQUIREMENTS.] Except as provided in subdivision 17, after October 1, 1994:

(a) No carrier, other than a public entity, may transport a hazardous material by motor vehicle in Minnesota unless it has complied with subdivision 4.

(b) No carrier, other than a public entity, may transport a hazardous waste in Minnesota unless it has complied with subdivisions 4 and 5.

(c) No shipper may offer a designated hazardous material for shipment or cause a designated hazardous material to be transported or shipped in Minnesota unless it has complied with subdivision 7.

(d) No carrier, other than a public entity, may transport a designated hazardous material by rail or water in Minnesota unless it has complied with subdivision 7a.

(e) No public entity may transport a hazardous material or hazardous waste by motor vehicle in Minnesota unless it has complied with subdivision 8.

Sec. 2. Minnesota Statutes 1994, section 221.0355, subdivision 5, is amended to read:

Subd. 5. [HAZARDOUS WASTE TRANSPORTERS.] (a) A carrier with its principal place of business in Minnesota or who designates Minnesota as its base state shall file a disclosure statement with and obtain a permit from the commissioner that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A carrier that designates another participating state as its base state shall file a disclosure statement with and obtain a permit from that state that specifically authorizes the transportation of hazardous waste before transporting a hazardous waste in Minnesota. A registration is valid for one year from the date a notice of registration form is issued and a permit is valid for three years from the date issued or until a carrier fails to renew its registration, whichever occurs first.

(b) A disclosure statement must include the information contained in part III of the uniform application. A person who has direct management responsibility for a carrier's hazardous waste

transportation operations shall submit a full set of the person's fingerprints, with the carrier's disclosure statement, for identification purposes and to enable the commissioner to determine whether the person has a criminal record. The commissioner shall send the person's fingerprints to the Federal Bureau of Investigation and shall request the bureau to conduct a check of the person's criminal record. The commissioner shall not issue a notice of registration or permit to a hazardous waste transporter who has not made a full and accurate disclosure of the required information or paid the fees required by this subdivision. Making a materially false or misleading statement in a disclosure statement is prohibited.

(c) The commissioner shall assess a carrier the actual costs ~~charged~~ incurred by the commissioner ~~by a person~~ for conducting the uniform program's required investigation of the information contained in a disclosure statement.

(d) A permit under this subdivision becomes a license under section 221.035, subdivision 1, on August 1, 1996, and is subject to the provisions of section 221.035 until it expires.

Sec. 3. Minnesota Statutes 1994, section 221.0355, subdivision 6, is amended to read:

Subd. 6. [APPORTIONED VEHICLE REGISTRATION FEE CALCULATION.] (a) An apportioned vehicle registration fee shall be equal to the percentage of Minnesota transportation multiplied by the percentage of hazardous material transportation multiplied by the total number of vehicles the carrier operates multiplied by a per-vehicle fee of \$30.

(b) A carrier shall calculate its percentage of Minnesota transportation and its percentage of hazardous material transportation as follows:

(1) A carrier shall determine its percentage of Minnesota transportation by dividing the number of miles it traveled in Minnesota under the international registration plan, pursuant to section 168.187, during the previous year, by the number of miles it traveled ~~nationwide in the United States and Canada~~ under the international registration plan during the previous year. If a carrier operated only in Minnesota, it must use 100 percent of the miles traveled as its percentage of Minnesota transportation. If a carrier does not register its vehicles through the international registration plan, it must calculate the number of miles traveled in the manner required under the international registration plan. If a carrier operates more than one fleet under the international registration plan the carrier must add all miles traveled by all vehicles in all fleets to calculate its mileage. A Minnesota carrier who operates in an adjacent state under a reciprocal agreement with that state must include the miles operated under the agreement as miles traveled in Minnesota in calculating mileage under this clause.

(2) A carrier shall determine its percentage of hazardous material transportation as follows:

(i) for less-than-truckload shipments, it must divide the weight of the carrier's hazardous material and hazardous waste shipments transported during the previous year by the total weight of all shipments transported during the previous year; or

(ii) for truckload shipments, it must divide the number of shipments transported during the previous year for which placarding, marking, or manifesting, was required by Code of Federal Regulations, title 49, part 172, by the total number of all shipments transported during the previous year.

(c) A carrier that transports both truckload and less-than-truckload shipments of hazardous material or hazardous waste must determine its percentage of hazardous material transportation by calculating the absolute percentage of business that is hazardous material transportation on a proportional basis with the percentage of business that is not hazardous material transportation. ~~If a method of determining a carrier's percentage of hazardous material transportation based on general percentage ranges, instead of actual percentages, becomes allowed under the uniform program, a carrier shall use that method to determine its percentage of hazardous material transportation or by calculating its percentage within the ranges allowed following procedures under the uniform program.~~

(d) ~~The definitions of "truckload freight" and "less than truckload freight" in section 221.011, do not apply to this subdivision.~~

(e) A carrier may use data from its most recent complete fiscal year or the most recent complete calendar year in calculating the percentages required in this subdivision for transportation conducted during the previous year.

Sec. 4. Minnesota Statutes 1994, section 221.0355, subdivision 12, is amended to read:

Subd. 12. [SUSPENSION, REVOCATION, AND DENIAL.] (a) The commissioner may suspend or revoke a ~~registration and~~ permit issued under this section or order the suspension of the transportation of hazardous material or hazardous waste in Minnesota by a carrier who has obtained a ~~notice of registration and~~ permit from another participating state under the uniform program if the commissioner determines that a carrier ~~made a materially false or misleading statement in a uniform application or that a carrier's conduct constitutes a serious or repeated violation of statutes or rules governing the transportation of hazardous material or hazardous waste.;~~

(1) committed a violation of Code of Federal Regulations, title 49, parts 100 to 180, 383, 387, or 390 to 397, while engaging in hazardous materials transportation if the violation posed an imminent hazard to the public or the environment;

(2) made a knowing falsification of a material fact in a uniform application;

(3) has received an unsatisfactory safety rating from the state or the United States Department of Transportation; or

(4) has exhibited reckless disregard for the public and the environment.

(b) In determining if a carrier has exhibited reckless disregard for the public and the environment in violation of paragraph (a), clause (4), the commissioner shall consider:

(1) whether the carrier has engaged in a pattern of violations of Code of Federal Regulations, title 49, parts 100 to 180, 383, 387, or 390 to 397, or regulations governing the management of hazardous waste, while engaging in hazardous materials transportation, when the violations are viewed in relation to the number of truck-miles of hazardous material transportation and the number of vehicles in the carrier's fleet;

(2) the actual or potential level of environmental damage resulting from an incident or a violation of the federal regulations described in paragraph (a), clause (1);

(3) the response by the carrier to an incident or a violation of the federal regulations described in paragraph (a), clause (1);

(4) the carrier's history of violations for the past three years;

(5) any mitigating factors; and

(6) other factors as justice requires, if the commissioner specifically identifies the additional factors in the order of suspension or revocation.

(c) The commissioner may not issue a ~~notice of registration and~~ permit to a carrier if the commissioner determines that a carrier's conduct would constitute grounds for suspension or revocation under this subdivision. A carrier who wishes to contest a denial, suspension, or revocation is entitled to a hearing under chapter 14.

Sec. 5. Minnesota Statutes 1994, section 221.0355, subdivision 15, is amended to read:

Subd. 15. [HAZARDOUS WASTE LICENSES.] (a) From October 1, 1994, until August 1, 1996, the commissioner shall not register hazardous material transporters under section 221.0335 or license hazardous waste transporters under section 221.035. A person who is licensed under section 221.035 need not obtain a permit under subdivision 4 or 5 for the transportation of hazardous waste in Minnesota, until the person's license has expired. A carrier wishing to transport hazardous waste in another participating state shall obtain a permit under the uniform program authorizing the transportation.

(b) The commissioner may refund fees paid under section 221.035, minus a proportional

amount calculated on a monthly basis for each month that a hazardous waste transporter license was valid, to a person who was issued a hazardous waste transporter license after May 5, 1994, who applied for a permit authorizing the transportation of hazardous waste under subdivisions 4 and 5 before October 1, 1994, and who was subsequently issued that permit under the uniform program.

Sec. 6. Minnesota Statutes 1994, section 221.0355, is amended by adding a subdivision to read:

Subd. 18. [DEPOSIT AND USE OF FEES.] Fees received by the commissioner for administrative processing and investigating information in a disclosure statement must be deposited in the state treasury and credited to the trunk highway fund. Registration fees collected under subdivisions 4, 5, 7, and 7a must be deposited in the state treasury, credited to the general fund, and used to cover the costs of hazardous materials incident response capability under sections 299A.48 to 299A.52 and 299K.095.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Amend the title as follows:

Page 1, lines 12 and 13, delete "abolishing a sunset provision;"

Page 1, line 15, delete "; Laws 1994, chapter 589, section 8"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 554: A bill for an act relating to motor vehicles; establishing special professional sports team and Olympic license plates; dedicating fees collected; creating an account in the state treasury; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 168.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [168.1291] [SPECIAL SPORTS TEAM AND OLYMPIC LICENSE PLATES.]

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] The registrar shall issue special professional sports team or Olympic license plates to an applicant who:

- (1) is an owner or joint owner of a passenger automobile, pickup truck, or van;
- (2) pays a fee determined by the registrar to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) contributes \$15 annually to the Minnesota amateur sports commission account established in subdivision 6; and
- (6) complies with laws and rules governing registration and licensing of vehicles and drivers.

Subd. 2. [DESIGN.] After consultation with each participating professional sports league and the United States Olympic Committee, the registrar shall design the special professional sports team and Olympic plates.

In consultation with the registrar, the Minnesota amateur sports commission annually shall indicate the number of plates the commission anticipates will be needed.

Subd. 3. [NO REFUND.] Contributions under this section must not be refunded.

Subd. 4. [PLATE TRANSFERS.] Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger vehicle, pickup truck, or van owned or jointly owned by the person to whom the special plates were issued.

Subd. 5. [FEES CREDITED.] The fees collected under this section, not including the contributions collected for the Minnesota amateur sports commission account, must be deposited in the state treasury and credited to the highway user tax distribution fund.

Subd. 6. [MINNESOTA AMATEUR SPORTS COMMISSION ACCOUNT.] A Minnesota amateur sports commission account is created in the state treasury. Except for one percent that may be retained by the registrar for administrative costs, all contributions received under this section must be deposited by the registrar in the account. Money in the account is appropriated to the Minnesota amateur sports commission to support maximum sport and physical fitness opportunities for all residents of this state regardless of gender, age, race, ability, geography, or economic status, and to provide meaningful sport and fitness opportunities for residents of this state who are economically disadvantaged, girls or women, senior citizens, persons with disabilities, or residents of greater Minnesota.

Subd. 7. [RECORD.] The registrar shall maintain a record of the number of license plates issued for each professional sports team and for the United States Olympic Committee.

Sec. 2. [PAYMENT OF PRODUCTION COSTS.]

The Minnesota amateur sports commission may pay the commissioner an amount determined by the commissioner to equal the administrative, handling, and manufacturing costs of the first production of professional sports team and Olympic license plates. Production of license plates must begin after the commissioner receives this payment.

Sec. 3. [APPROPRIATION.]

(a) The amount determined by the commissioner under section 2 is appropriated to the commissioner of public safety to pay the costs of the first production of license plates under section 1. This sum is available until expended.

(b) The amount paid by the Minnesota amateur sports commission to the commissioner under section 2 is appropriated to the Minnesota amateur sports commission from the highway user tax distribution fund. This appropriation shall be available to the extent that professional sports team and Olympic license plates are sold and receipts are credited to the highway user tax distribution fund."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 835: A bill for an act relating to metropolitan government; authorizing financing for transit and paratransit facilities and equipment; removing the limitation on metro mobility funding for capital costs; amending Minnesota Statutes 1994, section 473.39, subdivision 1b.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 473.39, subdivision 1b, is amended to read:

Subd. 1b. [OBLIGATIONS;—1993-1996.] The council may also issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$62,000,000, of which \$44,000,000 may be used for council transit for and paratransit fleet replacement, transit and paratransit facilities, and transit and paratransit capital equipment, and \$18,000,000 may be used for transit hubs, park-and-ride lots, community-based transit vehicles

and replacement service program vehicles, intelligent vehicle highway systems projects, and other capital expenditures as prescribed in the ~~implementation and council's transit capital plans of the board improvement program~~, and related costs including the cost of issuance and sale of the obligations. The council may issue ~~\$32,000,000~~ \$30,000,000 of the total amount authorized under this subdivision during fiscal biennium ending 1993 ~~\$30,000,000 during fiscal biennium ending 1995.~~

Sec. 2. Minnesota Statutes 1994, section 473.39, is amended by adding a subdivision to read:

Subd. 1c. [ADDITIONAL OBLIGATIONS.] In addition to the authority in subdivisions 1a and 1b, the council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$50,000,000, which may be used for capital expenditures as prescribed in the council's transit capital improvement program and for related costs, including the costs of issuance and sale of the obligations.

Sec. 3. [SPECIAL TRANSPORTATION SERVICE CAPITAL EXPENDITURES.]

Notwithstanding the limitation on funding for metro mobility in Laws 1993, chapter 266, section 3, subdivision 3, the council may use the proceeds from the certificates of indebtedness, bonds, or other obligations issued pursuant to Minnesota Statutes, section 473.39, subdivisions 1b and 1c, to pay the capital costs of special transportation service in the metropolitan area.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment and apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, line 6, before the period, insert ", and by adding a subdivision"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 497: A bill for an act relating to transportation; establishing special license plates for child protection; dedicating fees collected; proposing coding for new law in Minnesota Statutes, chapter 168.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [168.1291] [SPECIAL LICENSE PLATES FOR CHILD ABUSE PREVENTION.]

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] The registrar shall issue special license plates for child abuse prevention to an applicant who:

- (1) is an owner or joint owner of a passenger automobile, pickup truck, or van;
 - (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
 - (3) pays the registration tax required under section 168.013;
 - (4) pays the fees required under this chapter;
 - (5) contributes at least \$25 annually for the children's trust fund for prevention of child abuse established in section 257.802; and
 - (6) complies with laws and rules governing registration and licensing of vehicles and drivers.
- Subd. 2. [DESIGN.] The registrar shall design the special license plates to include a

background design, emblem, or colors that designate the license plate as a "Kids First" license plate.

Subd. 3. [NO REFUND.] Contributions under this section must not be refunded.

Subd. 4. [PLATE TRANSFERS.] Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger vehicle, pickup, or van owned or jointly owned by the person to whom the special plates were issued.

Subd. 5. [FEES CREDITED.] The fees collected under this section, not including money collected for the children's trust fund for prevention of child abuse, must be deposited in the state treasury and credited to the highway user tax distribution fund.

Subd. 6. [CHILD ABUSE PREVENTION.] Except for one percent that may be retained by the registrar for administrative costs, all money received under this section must be remitted by the registrar to the children's trust fund for prevention of child abuse to be awarded to the county councils for community education projects.

Sec. 2. [APPROPRIATION.]

\$10,000 is appropriated from the trunk highway fund to the commissioner of public safety to pay the costs of the first production of special license plates for child abuse prevention."

Delete the title and insert:

"A bill for an act relating to transportation; establishing special license plates for child abuse prevention; dedicating fees collected; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 168."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 474: A bill for an act relating to insurance; accident and sickness; regulating grace periods for Medicare supplement policies; amending Minnesota Statutes 1994, section 62A.04, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 62A.04, subdivision 2, is amended to read:

Subd. 2. [REQUIRED PROVISIONS.] Except as provided in subdivision 4 each such policy delivered or issued for delivery to any person in this state shall contain the provisions specified in this subdivision in the words in which the same appear in this section. The insurer may, at its option, substitute for one or more of such provisions corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Such provisions shall be preceded individually by the caption appearing in this subdivision or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner may approve.

(1) A provision as follows:

ENTIRE CONTRACT; CHANGES: This policy, including the endorsements and the attached papers, if any, constitutes the entire contract of insurance. No change in this policy shall be valid until approved by an executive officer of the insurer and unless such approval be endorsed hereon or attached hereto. No agent has authority to change this policy or to waive any of its provisions.

(2) A provision as follows:

TIME LIMIT ON CERTAIN DEFENSES: (a) After two years from the date of issue of this policy no misstatements, except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two year period.

The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial two year period, nor to limit the application of clauses (1), (2), (3), (4) and (5), in the event of misstatement with respect to age or occupation or other insurance. A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provisions (from which the clause in parentheses may be omitted at the insurer's option) under the caption "INCONTESTABLE":

After this policy has been in force for a period of two years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.

(b) No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.

(3) A provision as follows:

GRACE PERIOD: A grace period of (insert a number not less than "7" for weekly premium policies, "10" for monthly premium policies and "31" for all other policies) days will be granted for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force.

A policy which contains a cancellation provision may add, at the end of the above provision, subject to the right of the insurer to cancel in accordance with the cancellation provision hereof.

A policy in which the insurer reserves the right to refuse any renewal shall have, at the beginning of the above provision,

Unless not less than five days prior to the premium due date the insurer has delivered to the insured or has mailed to the insured's last address as shown by the records of the insurer written notice of its intention not to renew this policy beyond the period for which the premium has been accepted.

(4) A provision as follows:

REINSTATEMENT: If any renewal premium be not paid within the time granted the insured for payment, a subsequent acceptance of premium by the insurer or by any agent duly authorized by the insurer to accept such premium, without requiring in connection therewith an application for reinstatement, shall reinstate the policy. If the insurer or such agent requires an application for reinstatement and issues a conditional receipt for the premium tendered, the policy will be reinstated upon approval of such application by the insurer or, lacking such approval, upon the forty-fifth day following the date of such conditional receipt unless the insurer has previously notified the insured in writing of its disapproval of such application. For health plans as defined under section 62A.011, subdivision 3, clause (10), an insurer must accept payment of a renewal premium and reinstate the policy, unless:

(1) the insured has in the interim left the state or the insurer's service area; or

(2) the insured has applied for reinstatement on two or more prior occasions.

The reinstated policy shall cover only loss resulting from such accidental injury as may be sustained after the date of reinstatement and loss due to such sickness as may begin more than ten days after such date. In all other respects the insured and insurer shall have the same rights thereunder as they had under the policy immediately before the due date of the defaulted premium,

subject to any provisions endorsed hereon or attached hereto in connection with the reinstatement. Any premium accepted in connection with a reinstatement shall be applied to a period for which premium has not been previously paid, but not to any period more than 60 days prior to the date of reinstatement. The last sentence of the above provision may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age 50, or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue.

(5) A provision as follows:

NOTICE OF CLAIM: Written notice of claim must be given to the insurer within 20 days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at (insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer.

In a policy providing a loss-of-time benefit which may be payable for at least two years, an insurer may at its option insert the following between the first and second sentences of the above provision:

Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, the insured shall, at least once in every six months after having given notice of claim, give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial or liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured's right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which such notice is actually given.

(6) A provision as follows:

CLAIM FORMS: The insurer, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within 15 days after the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made.

(7) A provision as follows:

PROOFS OF LOSS: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within 90 days after the termination of the period for which the insurer is liable and in case of claim for any other loss within 90 days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required.

(8) A provision as follows:

TIME OF PAYMENT OF CLAIMS: Indemnities payable under this policy for any loss other than loss for which this policy provides periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid (insert period for payment which must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof.

(9) A provision as follows:

PAYMENT OF CLAIMS: Indemnity for loss of life will be payable in accordance with the

beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the insurer, be paid either to such beneficiary or to such estate. All other indemnities will be payable to the insured.

The following provisions, or either of them, may be included with the foregoing provision at the option of the insurer:

If any indemnity of this policy shall be payable to the estate of the insured, or to an insured or beneficiary who is a minor or otherwise not competent to give a valid release, the insurer may pay such indemnity, up to an amount not exceeding \$..... (insert an amount which shall not exceed \$1,000), to any relative by blood or connection by marriage of the insured or beneficiary who is deemed by the insurer to be equitably entitled thereto. Any payment made by the insurer in good faith pursuant to this provision shall fully discharge the insurer to the extent of such payment.

Subject to any written direction of the insured in the application or otherwise all or a portion of any indemnities provided by this policy on account of hospital, nursing, medical, or surgical services may, at the insurer's option and unless the insured requests otherwise in writing not later than the time of filing proofs of such loss, be paid directly to the hospital or person rendering such services; but it is not required that the service be rendered by a particular hospital or person.

(10) A provision as follows:

PHYSICAL EXAMINATIONS AND AUTOPSY: The insurer at its own expense shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law.

(11) A provision as follows:

LEGAL ACTIONS: No action at law or in equity shall be brought to recover on this policy prior to the expiration of 60 days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished.

(12) A provision as follows:

CHANGE OF BENEFICIARY: Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy. The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option."

Delete the title and insert:

"A bill for an act relating to insurance; accident and sickness; regulating policy reinstatement; amending Minnesota Statutes 1994, section 62A.04, subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vickerman from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1000: A bill for an act relating to metropolitan government; creating a contaminated site cleanup loan program within the metropolitan council; levying taxes; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 11, delete from "or" through page 3, line 12, to "facility"

Page 3, line 33, delete from "or the" through page 3, line 34, to "facilities"

Page 5, line 7, delete "473.871" and insert "473.831"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Vickerman from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1070: A bill for an act relating to counties; providing for the filling by appointment of certain offices in counties; providing for conforming changes; amending Minnesota Statutes 1994, sections 375A.10, subdivisions 2, 3, and 5; and 375A.12, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 32, delete "(a)"

Page 4, delete lines 3 to 6

Page 4, line 7, delete the paragraph coding and delete "(c)"

Page 4, line 19, delete from ", provided" through page 4, line 21, to "held"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Messrs. Pogemiller and Stumpf from the Committee on Education, to which was re-referred

S.F. No. 557: A bill for an act relating to employment; authorizing the legislative commission on employee relations to modify compensation for certain managerial positions in the higher education board; ratifying certain labor agreements; amending Minnesota Statutes 1994, section 3.855, subdivision 3.

Report the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 893: A bill for an act relating to insurance; the comprehensive health association; changing benefits; changing the association's enrollment freeze date; eliminating the MinnesotaCare program's four-month waiting period for association members; amending Minnesota Statutes 1994, sections 62E.12; 62Q.18, subdivision 8; and 256.9357, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 19 to 23, delete the new language

Pages 2 and 3, delete section 3

Amend the title as follows:

Page 1, line 4, delete from "eliminating" through page 1, line 6, to "members;"

Page 1, line 7, before "62Q.18" insert "and" and delete everything after "8"

Page 1, line 8, delete everything before the period

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 604: A bill for an act relating to children's supervised visitation facilities; amending

Minnesota Statutes 1994, sections 256F.09, subdivisions 1, 2, 3, and by adding a subdivision; and 517.08, subdivisions 1b and 1c; repealing Minnesota Statutes 1994, section 256F.09, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 256F.09, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] The commissioner shall issue a request for proposals from existing local nonprofit, nongovernmental, or governmental organizations, to use existing local facilities as ~~pilot children's safety centers~~ supervised visitation facilities, which may also be used for visitation exchanges. The commissioner shall award grants in amounts up to \$50,000 for the purpose of creating or maintaining children's ~~safety centers~~ supervised visitation facilities in an effort to reduce children's vulnerability to violence and trauma related to family visitation, where there has been a history of domestic violence or abuse within the family. ~~At least one of the pilot projects shall be located in the seven county metropolitan area and at least one of the projects shall be located outside the seven county metropolitan area, and~~ The commissioner shall award the grants to provide the greatest possible number of ~~safety centers~~ children's supervised visitation facilities and to locate them to provide for the broadest possible geographic distribution of the ~~centers~~ facilities throughout the state.

Each children's ~~safety center~~ supervised visitation facility must use existing local facilities to provide a healthy interactive environment for parents who are separated or divorced and for parents with children in foster homes to visit with their children. The ~~centers~~ facilities must be available for use by district courts who may order visitation to occur at a ~~safety center~~ supervised visitation facility.

The ~~centers~~ facilities may also be used as drop-off sites, so that parents who are under court order to have no contact with each other can exchange children for visitation at a neutral site. Each ~~center~~ facility must provide sufficient security to ensure a safe visitation environment for children and their parents. A grantee must demonstrate the ability to provide a 25 percent local match, which may include in-kind contributions.

Sec. 2. Minnesota Statutes 1994, section 256F.09, is amended by adding a subdivision to read:

Subd. 1a. [COUNTY INVOLVEMENT.] Each county or group of counties is encouraged to provide supervised visitation services in an effort to fill the gap in the court system that orders supervised visitation, but does not provide a facility to accomplish the supervised visitation as ordered. Each county or group of counties is encouraged to either financially contribute to an existing supervised visitation center in the area, or establish a new facility if there is not one in the area, possibly through county social services. In creating a new facility, the county may collaborate with other counties, other supervised visitation facilities, family services collaboratives, court services, and any other entity or organization. The goal is to provide supervised visitation facilities statewide. The county shall apply for funding that may be available through the federal government, specifically for family preservation or family reunification purposes, or any other source of funding that will aid in developing and maintaining this vital service.

Sec. 3. Minnesota Statutes 1994, section 256F.09, subdivision 2, is amended to read:

Subd. 2. [PRIORITIES FUNDING.] The commissioner may award grants to create or maintain children's supervised visitation facilities.

In awarding grants to maintain a children's supervised visitation facility, the commissioner may award a grant to a facility that can demonstrate a 35 percent local match, provided the facility is diligently exploring and pursuing all available funding options in an effort to become self-sustaining, and those efforts are reported to the commissioner.

In awarding grants under the program to create a children's supervised visitation facility, the commissioner shall give priority to:

- (1) areas of the state where no other children's ~~safety center~~ supervised visitation facility or similar facility exists;
- (2) applicants who demonstrate that private funding for the ~~center~~ facility is available and will continue; and
- (3) facilities that are adapted for use to care for children, such as day care centers, religious institutions, community centers, schools, technical colleges, parenting resource centers, and child care referral services.

Sec. 4. Minnesota Statutes 1994, section 256F.09, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL SERVICES.] Each ~~center~~ supervised visitation facility may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse.

Sec. 5. Minnesota Statutes 1994, section 256F.09, is amended by adding a subdivision to read:

Subd. 5. [ADMINISTRATION.] In administering the grants authorized by this section, the commissioner shall ensure that the term "children's supervised visitation facility" is used in all future applications, publicity releases, requests for proposals, and other materials of like nature. Materials published prior to the enactment of this legislation which use different terms may be distributed by the commissioner until supplies are gone.

Sec. 6. Minnesota Statutes 1994, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS.] The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$122, except a marriage dissolution fee is \$134.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$122.

The party requesting a trial by jury shall pay \$75.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$10, and \$5 for an uncertified copy.

(3) Issuing a subpoena, \$3 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$10.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$7.50.

(6) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

(7) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.

(8) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) For the deposit of a will, \$5.

(11) For recording notary commission, \$25, of which, notwithstanding subdivision 1a, paragraph (b), \$20 must be forwarded to the state treasurer to be deposited in the state treasury and credited to the general fund.

(12) When a defendant pleads guilty to or is sentenced for a petty misdemeanor other than a parking violation, the defendant shall pay a fee of \$11.

(13) Filing a motion or response to a motion for modification of child support, a fee fixed by rule or order of the supreme court.

(14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

The fees in clauses (3) and (4) need not be paid by a public authority or the party the public authority represents.

Sec. 7. Minnesota Statutes 1994, section 357.021, subdivision 2a, is amended to read:

Subd. 2a. [CERTAIN FEE PURPOSES.] Of the petitioner's marriage dissolution fee collected pursuant to subdivision 2, the court administrator shall pay \$35 to the state treasurer to be deposited in the general fund, and \$12 to the state treasurer to be deposited in the special revenue fund to be appropriated to the commissioner of human services for purposes of section 256F.09.

Sec. 8. [REPEALER.]

Minnesota Statutes 1994, section 256F.09, subdivision 4, is repealed."

Delete the title and insert:

"A bill for an act relating to children's supervised visitation facilities; amending Minnesota Statutes 1994, sections 256F.09, subdivisions 1, 2, 3, and by adding subdivisions; and 357.021, subdivisions 2 and 2a; repealing Minnesota Statutes 1994, section 256F.09, subdivision 4."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 933: A bill for an act relating to elections; requiring candidates for elective office to be residents of the district from which elected at the time they file for office; proposing an amendment to the Minnesota Constitution, article VII, section 6; amending Minnesota Statutes 1994, section 204B.06, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "60" and strike "days previous to the" and insert "from the time for filing for"

Page 2, line 6, strike "for" and delete "60"

Page 2, line 7, strike "days before the general" and insert "from the time for filing for"

Page 2, line 20, delete "for 60 days previous to the" and insert "from the time they file for"

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Messrs. Pogemiller and Stumpf from the Committee on Education, to which was re-referred

S.F. No. 477: A bill for an act relating to education; consolidating and restructuring certain

higher education statutes to reflect the merger of the community colleges, state universities, and technical colleges; amending Minnesota Statutes 1994, sections 15.38, subdivision 3; 136E.01, subdivision 1; 136E.02, subdivisions 1 and 3; 136E.021, subdivision 2; 136E.03; 136E.04, subdivisions 1, 3, and 7; 136E.05; 136E.31; 136E.395; 136E.525, subdivisions 1 and 2; and 136E.692, subdivisions 1, 3, and 4; proposing coding for new law as Minnesota Statutes, chapter 136F; repealing Minnesota Statutes 1994, sections 15.38, subdivision 4; 136.01; 136.015; 136.017; 136.02; 136.03; 136.031; 136.036; 136.045; 136.065; 136.07; 136.09; 136.10; 136.11; 136.111; 136.12; 136.13; 136.14; 136.141; 136.142; 136.143; 136.144; 136.145; 136.146; 136.147; 136.17; 136.171; 136.172; 136.18; 136.19; 136.20; 136.21; 136.22; 136.232; 136.24; 136.25; 136.261; 136.27; 136.31; 136.311; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.40; 136.41; 136.42; 136.43; 136.44; 136.45; 136.46; 136.47; 136.48; 136.49; 136.50; 136.501; 136.502; 136.503; 136.504; 136.505; 136.506; 136.507; 136.55; 136.56; 136.57; 136.58; 136.60; 136.6011; 136.602; 136.603; 136.61; 136.62; 136.621; 136.622; 136.63; 136.65; 136.651; 136.653; 136.67; 136.70; 136.71; 136.72; 136.88; 136.90; 136C.01; 136C.02; 136C.03; 136C.04; 136C.041; 136C.042; 136C.043; 136C.044; 136C.05; 136C.06; 136C.07; 136C.075; 136C.08; 136C.13; 136C.15; 136C.17; 136C.31; 136C.34; 136C.41; 136C.411; 136C.43; 136C.44; 136C.50; 136C.51; 136C.60; 136C.61; 136C.62; 136C.63; 136C.64; 136C.65; 136C.66; 136C.67; 136C.68; 136C.69; 136C.70; 136C.71; 136C.75; and 136E.04, subdivisions 2, 4, 5, and 6; Laws 1994, chapter 532, article 6, section 12, paragraph (a).

Report the same back with the recommendation that the bill be amended as follows:

Page 6, line 6, delete "The" and insert "By July 1, 1995, the"

Page 6, line 8, delete "determine" and insert "implement"

Page 6, line 10, delete everything after "actions" and insert a period

Page 6, delete lines 11 to 13 and insert "The mechanisms shall supersede any previous arrangement, agreement, or memorandum of understanding."

Page 14, line 7, after the period, insert "The Penny fellowship of the Minnesota state university student association shall be considered a nonprofit state college and university foundation for purposes of this section."

Page 14, line 19, after "university" insert "or for distribution to students in the form of scholarships"

Pages 15 to 19, delete section 35

Page 30, after line 36, insert:

"Sec. 61. [STATUTORY DOWNSIZING; BOARD RECOMMENDATIONS.]

By January 1, 1996, the board of trustees of the Minnesota state colleges and universities and the board of regents of the University of Minnesota shall provide the education committees of the legislature with recommendations to reduce the number of statutory sections relating to higher education, including, but not limited to, recommendations regarding statutory sections that could be incorporated in board policies or procedures, and regarding statutory sections that are obsolete.

Sec. 62. [EARLY SEPARATION INCENTIVES.]

Subdivision 1. [EMPLOYER PARTICIPATION; HIGHER EDUCATION AGENCIES.] (a) In order to minimize the disruptive effects of layoffs or reorganization attributable to the merger of the state universities, community colleges, and technical colleges, and the restructuring of the higher education coordinating board, employees of the higher education coordinating board, the state university, community college, and technical college systems, and employees of local school districts, joint technical districts, and intermediate districts assigned to a technical college position, who are employed in positions that are to be eliminated in the merger and restructuring, as certified by the chancellor of the higher education board or the executive director of the higher education coordinating board, are entitled to elect an early separation incentive set forth in subdivision 3.

(b) The higher education board and the higher education coordinating board must determine those specific positions to be permanently eliminated as part of the merger or restructuring and identify the employees who may elect one of the early separation incentives established by this section.

Subd. 2. [ELIGIBILITY.] A person employed by the employing units identified in subdivision 1 is eligible to elect the incentive if the person:

(1) is an employee of the higher education coordinating board, a state university, community college, or technical college, or an administrative employee of a local school district, joint technical district and intermediate district assigned to a technical college position whose position is to be eliminated;

(2) is at least age 55 but is not yet age 65;

(3) is employed in a permanent position and in active work status at the time the incentive is elected;

(4) upon retirement, termination, or separation is immediately eligible for a retirement annuity from a defined benefit Minnesota public employee pension plan or a distribution from a defined contribution Minnesota public employee pension plan;

(5) retires, separates, or is terminated from an eligible position after June 30, 1994, but before July 1, 1996; and

(6) has been certified by the chancellor of the higher education board or the executive director of the higher education coordinating board as eligible to elect an early separation incentive.

Subd. 3. [INCENTIVES.] (a) Eligible employees may elect one of the following incentives but may not elect both.

(b) Retirement under this section means permanent separation or termination from employment with or under the control of the higher education board, the higher education coordinating board, or the higher education systems to be merged.

(c) Employees who separate, terminate, or retire with the early retirement incentive under paragraph (e) may not be rehired by the state in any employment position under the control of the higher education board or the higher education coordinating board.

(d) An eligible employee who receives a termination notice after July 1, 1994, may elect to take a six-month retraining leave in order to complete a course of study that is approved by the higher education board or the higher education coordinating board and which is designed to prepare the employee to assume a faculty position at a state university, community college, or technical college. The retraining leave must be at the full salary level that the person received immediately before the termination notice, including fringe benefits. The leave must be completed no later than June 30, 1996. Employees who seek to return to teaching must satisfy the qualifications established by applicable collective bargaining agreements. Any subsequent faculty appointments must be in accordance with collective bargaining agreements and policies of the higher education board. The individual's pretermination notice employment ceases at the conclusion of the retraining leave. Individual employee eligibility for severance payments must be made in accordance with the policies of the employing unit in effect at the time the incentive was elected. Notice of election of this incentive must be made before April 1, 1996, on forms prescribed by the higher education board.

(e) An eligible employee may elect the following instead of the incentive in paragraph (d):

(1) state-paid hospital, medical, and dental insurance to age 65. An employee who retires, is terminated, or is separated is eligible for single or dependent insurance coverages, whichever applies, and any employer payments to which the person was entitled immediately before retirement, termination, or separation subject to any changes in coverage and employer and employee payments through collective bargaining or personnel plans in positions equivalent to the position from which the employee retired, terminated, or separated. The employee is not eligible for employer-paid life insurance. If the employee is not yet age 65 at the time of retirement or

separation, the employee is eligible for employer-paid insurance under the provisions of a personnel plan and has at least as many months service with the current employer and as the number of months the individual is under age 65 at the time of retirement; and

(2) if the eligible employee has at least 15 years of combined service credit in a Minnesota public pension plan, a one-time opportunity to purchase up to two years of service credit in or to make not more than two years of additional member contributions to the public pension plan that the employee is a member of at the time of retirement or separation as follows:

(i) Eligible employees may have the additional payment made on the basis of the employee's base salary in the year of separation as denoted in the salary schedule in the applicable employer personnel policy and at the rate and in the manner specified in section 352.04, 353.27, 354.42, or 354A.12, whichever applies. The employee payment must include interest at the rate of 8.5 percent. The employer shall make the required employer contribution and employer additional contribution to the retirement fund as specified in section 352.04, 353.27, 354.42, or 354A.12, whichever applies for an employee who elects this option. Both the required employee and employer payments must be made to the fund before the employee's date of retirement or separation, whichever is earlier.

(ii) Defined contribution plan members in plans established by chapter 352D or 354B must have additional employee and employer contributions made on the basis of the employee's base salary in the year of retirement as denoted in the salary schedule in the applicable employer personnel policy and at the rate and in the manner specified in section 352D.04, subdivision 2, or 354B.04, as applicable. The additional contributions must be made before the employee's date of retirement or separation, whichever is earlier."

Page 31, delete line 27

Page 31, line 32, delete "63" and insert "64"

Page 32, line 17, after the semicolon, insert "136E.395;"

Page 32, line 20, delete "63" and insert "64"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "136E.395;"

Page 1, line 34, delete "and"

Page 1, line 35, after the semicolon, insert "and 136E.395;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vickerman from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1112: A bill for an act relating to local government; authorizing Sherburne county to convey certain county ditches to the city of Elk River under certain conditions.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Environment and Natural Resources. Report adopted.

Mr. Vickerman from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1209: A bill for an act relating to Hennepin county; modifying certain provisions concerning the county medical examiners office; amending Minnesota Statutes 1994, section 383B.225, subdivisions 5, 6, 7, 9, 11, and 12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, lines 13 and 14, delete the new language

Page 5, line 18, after the second comma, insert "chemical dependency,"

Page 5, lines 23 to 26, delete the new language

Page 6, line 3, delete "medical examiner" and insert "board"

Page 7, line 17, after "defender" insert "or prosecutor"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vickerman from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 980: A bill for an act relating to metropolitan government; clarifying language and changing obsolete references; allowing additional communities in the metropolitan area to operate their own transit programs; defining available local transit funds; establishing conditions for use of funds by communities providing replacement service; providing application procedure; establishing reserve accounts; amending Minnesota Statutes 1994, section 473.388.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, delete the colon

Page 2, line 9, delete the paragraph coding and delete "(1)"

Page 2, line 11, delete "; or" and insert a period

Page 2, line 12, delete the paragraph coding and delete the new language and strike the old language

Page 2, lines 20 to 22, delete the new language and strike the old language

Page 2, lines 26 to 29, delete the new language and strike the old language

Page 2, line 30, delete "(2)" and insert "(1)"

Page 2, line 33, delete "(3)" and insert "(2)"

Amend the title as follows:

Page 1, line 3, delete "allowing"

Page 1, delete line 4

Page 1, line 5, delete everything before "defining"

And when so amended the bill do pass and be re-referred to the Committee on Transportation and Public Transit. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred

S.F. No. 874: A bill for an act relating to state government; directing the commissioner of administration to establish a program to encourage suggestions on ways to save money and improve efficiency in the operation of state government; appropriating money; amending Minnesota Statutes 1994, section 16B.39, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 680: A bill for an act relating to state lands; authorizing the commissioner of natural resources to sell certain land in Scott county.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 786: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land that borders public water in the city of Preston.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "sell" and insert "convey for no consideration"

Amend the title as follows:

Page 1, line 2, delete "sale" and insert "conveyance"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 941: A bill for an act relating to natural resources; confidentiality of mineral resources data; amending Minnesota Statutes 1994, section 13.793.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 833 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No. S.F. No.
833 841

CONSENT CALENDAR

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 833 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 833 and insert the language after the enacting clause of S.F. No. 841, the first engrossment; further, delete the title of H.F. No. 833 and insert the title of S.F. No. 841, the first engrossment.

And when so amended H.F. No. 833 will be identical to S.F. No. 841, and further recommends that H.F. No. 833 be given its second reading and substituted for S.F. No. 841, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 479 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS**CONSENT CALENDAR****CALENDAR**H.F. No.
479S.F. No.
548

H.F. No.

S.F. No.

H.F. No.

S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 479 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 479 and insert the language after the enacting clause of S.F. No. 548, the first engrossment; further, delete the title of H.F. No. 479 and insert the title of S.F. No. 548, the first engrossment.

And when so amended H.F. No. 479 will be identical to S.F. No. 548, and further recommends that H.F. No. 479 be given its second reading and substituted for S.F. No. 548, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 615, 172, 965, 457, 838, 1060, 979, 554, 497, 474, 1070, 893, 604, 477, 1209, 680 and 786 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 833 and 479 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Lesewski moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 287. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Price be added as a co-author to S.F. No. 995. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Lessard be added as a co-author to S.F. No. 1356. The motion prevailed.

Ms. Ranum moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 1359. The motion prevailed.

Ms. Berglin moved that the name of Mr. Finn be added as a co-author to S.F. No. 1361. The motion prevailed.

Mr. Lessard moved that the name of Mr. Stevens be added as a co-author to S.F. No. 1362. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Metzen be added as a co-author to S.F. No. 1393. The motion prevailed.

Mr. Morse moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 1398. The motion prevailed.

Ms. Krentz moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 1400. The motion prevailed.

Ms. Anderson moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 1402. The motion prevailed.

Mr. Cohen moved that the name of Ms. Johnson, J.B. be added as a co-author to S.F. No. 1412. The motion prevailed.

Mr. Solon moved that S.F. No. 1365 be withdrawn from the Committee on Crime Prevention and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Mr. Ourada moved that S.F. No. 1390 be withdrawn from the Committee on Governmental Operations and Veterans and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Mrs. Pariseau, Mr. Neuville, Ms. Johnston and Mr. Knutson introduced--

Senate Resolution No. 43: A Senate resolution congratulating the Lakeville High School girls gymnastic team on winning the 1995 State High School Class AA Girls Gymnastic Championship.

Referred to the Committee on Rules and Administration.

Ms. Krentz moved that S.F. No. 554, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Ms. Hanson moved that S.F. No. 497, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Ms. Reichgott Junge moved that S.F. No. 604, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Ms. Johnston moved that S.F. No. 979, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Ms. Flynn moved that S.F. No. 1000 be withdrawn from the Committee on Finance and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

CONSENT CALENDAR

S.F. No. 739: A bill for an act relating to agriculture; changing certain procedures for compensating crop owners for damage by elk; amending Minnesota Statute 1994, section 3.7371, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Laidig	Novak	Runbeck
Beckman	Hanson	Langseth	Oliver	Sams
Belanger	Hottinger	Larson	Olson	Samuelson
Berg	Johnson, D.E.	Lesewski	Ourada	Scheevel
Berglin	Johnson, D.J.	Lessard	Pappas	Solon
Bertram	Johnson, J.B.	Limmer	Pariseau	Spear
Betzold	Johnston	Marty	Piper	Stevens
Chmielewski	Kiscaden	Meriam	Pogemiller	Stumpf
Cohen	Kleis	Metzen	Price	Terwilliger
Day	Knutson	Moe, R.D.	Ranum	Vickerman
Dille	Kramer	Morse	Reichgott Junge	Wiener
Finn	Krentz	Murphy	Riveness	
Flynn	Kroening	Neuville	Robertson	

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Knutson in the chair.

After some time spent therein, the committee arose, and Mr. Knutson reported that the committee had considered the following:

S.F. Nos. 218, 264, 348, 34, 479, 632 and H.F. Nos. 367, 321, which the committee recommends to pass.

S.F. No. 224, which the committee recommends to pass with the following amendment offered by Mr. Samuelson:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1994, section 168.013, subdivision 1d, is amended to read:

Subd. 1d. [TRAILERS.] On trailers the annual tax is based on total gross weight and is 30 percent of the Minnesota base rate prescribed in subdivision 1e, when the gross weight is 15,000 pounds or less, and when the gross weight of a trailer is more than 15,000 pounds, the tax for the first eight years of vehicle life is 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life the tax is 75 percent of the Minnesota base rate prescribed by subdivision 1e, but in no event less than \$5, provided, that the tax on trailers with a total gross weight of ~~3,000~~ 6,000 pounds or less is payable biennially.

Farm trailers with a gross weight in excess of 10,000 pounds and as described in section 168.011, subdivision 17, are taxed as farm trucks as prescribed in subdivision 1c."

Page 1, line 7, delete "Section 1" and insert "Sec. 2"

Page 1, line 18, delete everything after "(c)"

Page 1, lines 19 to 23, delete the new language

Page 1, line 24, delete the new language and insert ", provided that the tax on towed recreational vehicles with a total gross weight of 6,000 pounds or less is payable biennially"

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete everything before the semicolon and insert "providing for biennial payment of tax on certain towed recreational vehicles and trailers"

Page 1, line 5, delete "subdivision" and insert "subdivisions 1d and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 44 and nays 20, as follows:

Those who voted in the affirmative were:

Beckman	Flynn	Kleis	Mondale	Robertson
Belanger	Frederickson	Kramer	Murphy	Sams
Berg	Hanson	Krentz	Neuville	Samuelson
Berglin	Janezich	Laidig	Oliver	Scheevel
Bertram	Johnson, D.E.	Langseth	Olson	Solon
Chmielewski	Johnson, D.J.	Larson	Ourada	Stevens
Day	Johnson, J.B.	Lesewski	Pappas	Terwilliger
Dille	Johnston	Lessard	Pariseau	Vickerman
Finn	Kiscaden	Limmer	Pogemiller	

Those who voted in the negative were:

Anderson
Betzold
Chandler
Cohen

Hottinger
Knutson
Marty
Merriam

Metzen
Moe, R.D.
Morse
Novak

Piper
Ranum
Reichgott Junge
Riveness

Runbeck
Spear
Stumpf
Wiener

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 1136: A bill for an act relating to human services; adding provisions to health insurance coverage; providing firearms background check; providing mental health services; adding provisions for paternity testing; adding provisions for paternity and child support; providing medical assistance coverage for pediatric vaccines; providing penalties; amending Minnesota Statutes 1994, sections 62A.045; 62A.046; 62A.048; 62A.27; 245.041; 245.487, subdivision 4; 245.4871, subdivisions 12 and 33a; 245.4873, subdivision 6; 245.4874; 245.4875, subdivision 2; 245.4878; 245.4885, subdivision 2; 253B.091; 256.015, subdivision 7; 256.025, subdivisions 1 and 3; 256.12, subdivision 14; 256.74, by adding a subdivision; 256.76, subdivision 1; 256B.0625, by adding a subdivision; 256E.08, subdivision 8; 257.55, subdivision 1; 257.57, subdivision 2; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 518.171, subdivisions 1, 3, 4, 5, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivisions 2 and 7; and 518.615, subdivision 3; repealing Minnesota Statutes 1994, sections 62C.141; 62C.143; 62D.106; and 62E.04, subdivisions 9 and 10.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 6, delete sections 1 to 4

Page 6, line 28, after "agencies" insert "on an individual request basis by means of electronic data transfer from the department of human services"

Pages 6 and 7, delete section 6

Pages 16 and 17, delete section 21 and insert:

"Sec. 16. Minnesota Statutes 1994, section 256B.69, subdivision 4, is amended to read:

Subd. 4. [LIMITATION OF CHOICE.] The commissioner shall develop criteria to determine when limitation of choice may be implemented in the experimental counties. The criteria shall ensure that all eligible individuals in the county have continuing access to the full range of medical assistance services as specified in subdivision 6. The commissioner shall exempt the following persons from participation in the project, in addition to those who do not meet the criteria for limitation of choice: (1) persons eligible for medical assistance according to section 256B.055, subdivision 1, ~~and children under age 21 who are in foster placement~~; (2) persons eligible for medical assistance due to blindness or disability as determined by the social security administration or the state medical review team, unless they are 65 years of age or older; (3) recipients who currently have private coverage through a health maintenance organization; ~~and~~ (4) recipients who are eligible for medical assistance by spending down excess income for medical expenses other than the nursing facility per diem expense; and (5) recipients who receive benefits under the Refugee Assistance Program, established under United States Code, title 8, section 1522(e). Children under age 21 who are in foster placement may enroll in the project on an elective basis. Before limitation of choice is implemented, eligible individuals shall be notified and

after notification, shall be allowed to choose only among demonstration providers. After initially choosing a provider, the recipient is allowed to change that choice only at specified times as allowed by the commissioner. If a demonstration provider ends participation in the project for any reason, a recipient enrolled with that provider must select a new provider but may change providers without cause once more within the first 60 days after enrollment with the second provider.

Sec. 17. Minnesota Statutes 1994, section 256B.69, subdivision 6, is amended to read:

Subd. 6. [SERVICE DELIVERY.] (a) Each demonstration provider shall be responsible for the health care coordination for eligible individuals. Demonstration providers:

(1) shall authorize and arrange for the provision of all needed health services including but not limited to the full range of services listed in sections 256B.02, subdivision 8, and 256B.0625 in order to ensure appropriate health care is delivered to enrollees, except for skilled nursing home services and services of intermediate care facilities for persons with mental retardation or related conditions as defined in section 256B.0625, subdivision 2;

(2) shall accept the prospective, per capita payment from the commissioner in return for the provision of comprehensive and coordinated health care services for eligible individuals enrolled in the program;

(3) may contract with other health care and social service practitioners to provide services to enrollees; and

(4) shall institute recipient grievance procedures according to the method established by the project, utilizing applicable requirements of chapter 62D. Disputes not resolved through this process shall be appealable to the commissioner as provided in subdivision 11.

(b) Demonstration providers must comply with the standards for claims settlement under section 72A.201, subdivisions 4, 5, 7, and 8, when contracting with other health care and social service practitioners to provide services to enrollees. A demonstration provider must pay a clean claim, as defined in Code of Federal Regulations, title 42, section 447.45(b), within 30 business days of the date of acceptance of the claim.

Sec. 18. Minnesota Statutes 1994, section 256B.69, is amended by adding a subdivision to read:

Subd. 18. [OMBUDSMAN.] The commissioner shall designate an ombudsman to advocate for persons required to enroll in prepaid health plans under this section. The ombudsman shall advocate for recipients enrolled in prepaid health plans through complaint and appeal procedures and ensure that necessary medical services are provided either by the prepaid health plan directly or by referral to appropriate social services. At the time of enrollment in a prepaid health plan, the local agency shall inform recipients about the ombudsman program and their right to a resolution of a complaint by the prepaid health plan if they experience a problem with the plan or its providers.

Sec. 19. Minnesota Statutes 1994, section 256B.69, is amended by adding a subdivision to read:

Subd. 19. [SERVICES PENDING APPEAL.] If the recipient appeals in writing to the state agency on or before the tenth day after the decision of the prepaid health plan to reduce, suspend, or terminate services which the recipient had been receiving, and the treating physician or another plan physician orders the services to be continued at the previous level, the prepaid health plan must continue to provide services at a level equal to the level ordered by the plan's physician until the state agency renders its decision.

Sec. 20. Minnesota Statutes 1994, section 256B.69, is amended by adding a subdivision to read:

Subd. 20. [PREPAYMENT COORDINATOR.] The local agency shall designate a prepayment coordinator to assist the state agency in implementing this section and section 256D.03, subdivision 4. Assistance must include educating recipients about available health care options, enrolling recipients under subdivision 5, providing necessary eligibility and enrollment information to health plans and the state agency, and coordinating complaints and appeals with the ombudsman established in subdivision 18.

Sec. 21. Minnesota Statutes 1994, section 256B.69, is amended by adding a subdivision to read:

Subd. 21. [IMPACT ON PUBLIC OR TEACHING HOSPITALS AND COMMUNITY CLINICS.] (a) Before implementing prepaid programs in counties with a county operated or affiliated public teaching hospital or a hospital or clinic operated by the University of Minnesota, the commissioner shall consider the risks the prepaid program creates for the hospital and allow the county or hospital the opportunity to participate in the program, provided the terms of participation in the program are competitive with the terms of other participants.

(b) Prepaid health plans serving counties with a nonprofit community clinic or community health services agency must contract with the clinic or agency to provide services to clients who choose to receive services from the clinic or agency, if the clinic or agency agrees to payment rates that are competitive with rates paid to other health plan providers for the same or similar services.

Sec. 22. Minnesota Statutes 1994, section 256B.69, is amended by adding a subdivision to read:

Subd. 22. [LIMITATION ON REIMBURSEMENT TO PROVIDERS NOT AFFILIATED WITH A PREPAID HEALTH PLAN.] A prepaid health plan may limit any reimbursement it may be required to pay to providers not employed by or under contract with the prepaid health plan to the medical assistance rates for medical assistance enrollees, and the general assistance medical care rates for general assistance medical care enrollees, paid by the commissioner of human services to providers for services to recipients not enrolled in a prepaid health plan."

Page 24, line 33, delete "plan" and insert "carrier"

Page 26, lines 30 and 32, delete "plan" and insert "carrier"

Page 27, lines 10 and 20, delete "plan" and insert "carrier"

Page 28, lines 3 and 9, delete "plan" and insert "carrier"

Pages 31 and 32, delete section 39

Page 34, line 12, delete everything after "Sections" and insert "31 to 36 ("

Page 34, line 13, delete "62A.27;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "adding provisions to health insurance coverage;"

Page 1, line 6, delete "providing"

Page 1, delete line 7 and insert "consolidating the prepaid medical assistance;"

Page 1, delete line 9 and insert "sections 245.041;"

Page 1, line 10, delete "245.487, subdivision 4;"

Page 1, line 16, delete "256B.0625, by adding a subdivision" and insert "256B.69, subdivisions 4, 6, and by adding subdivisions"

Page 1, line 21, delete "subdivisions 2 and 7" and insert "subdivision 7"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary.
Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred

S.F. No. 999: A bill for an act relating to state finance; adding certain human services obligations to the requirement that state agencies promptly pay their bills; amending Minnesota Statutes 1994, section 16A.124, subdivision 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete "and vendor obligations"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred

S.F. No. 1247: A bill for an act relating to state government; clarifying statutory waiver requirements with respect to the housing finance agency for the civil service pilot project.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 8 and 9, delete "the commissioner of employee relations may waive"

Page 1, line 10, before the second "to" insert "are waived"

Page 1, line 20, delete "shall" and insert "must"

Page 1, line 23, after the period, insert "The salary plan must be approved under Minnesota Statutes, section 3.855, subdivision 3, before being implemented."

Page 2, line 1, delete "shall terminate" and insert "terminates June 30, 1997, or"

Page 2, line 2, after "any" insert "earlier"

Page 2, line 4, delete "or on"

Page 2, line 5, delete everything before the period

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 605: A bill for an act relating to recreational vehicles; requiring snowmobile operators and passengers to wear helmets; imposing penalties; amending Minnesota Statutes 1994, section 84.87, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 84.872, is amended by adding a subdivision to read:

Subd. 1a. [HELMET REQUIRED.] A person less than 18 years of age may not operate or ride as a passenger on a snowmobile on any public land, public easement, public water, or grant-in-aid trail unless the person is wearing a safety helmet approved by the commissioner of public safety."

Delete the title and insert:

"A bill for an act relating to recreational vehicles; requiring youthful snowmobile operators and passengers to wear helmets; amending Minnesota Statutes 1994, section 84.872, by adding a subdivision."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 830: A bill for an act relating to state lands; requiring the commissioner of natural resources to convey certain land to the city of Akeley for public purposes.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 5, insert:

"Section 1. [89.0211] [SALE OF STATE FOREST LANDS ADJACENT TO PLATTED AREAS.]

Notwithstanding section 89.021, the commissioner may sell state forest lands that are adjacent to areas platted under section 92.46 in accordance with the applicable procedures in chapter 92 or 94."

Page 1, line 13, delete "public" and insert "the" and after "purposes" insert "described in paragraph (d). If the land is pledged as security for a loan for these purposes, the right of reverter is waived in favor of the lender"

Page 1, line 16, delete "six (6)" and insert "five (5)" and delete "five (5)" and insert "six (6)"

Page 1, line 21, delete "1" and insert "2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "allowing the sale of certain state forest lands;"

Page 1, line 4, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 89"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 873: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Isanti county.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 644: A bill for an act relating to state lands; modifying the provisions of a land sale to the city of Anoka; amending Laws 1991, chapter 185, section 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 812: A bill for an act relating to natural resources; broadening the uses permitted for emergency materials and equipment; amending Minnesota Statutes 1994, section 88.065.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 5, delete "means" and insert "includes"

Page 2, line 6, delete the second "or" and insert "and"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 785: A bill for an act relating to state government; establishing a technical advisory council for the pollution control agency; establishing a task force to recommend a governmental structure for environmental and natural resource functions and services; requiring establishment of an employee participation committee before agency restructuring; abolishing the department of natural resources, the board of water and soil resources, the office of environmental assistance, the pollution control agency, the environmental quality board, the harmful substances compensation board, the petroleum tank release compensation board, and the agricultural chemical response board; providing for appointments; amending Minnesota Statutes 1994, section 116.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1994, section 116.02, subdivisions 2, 3, and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete sections 1 and 2

Page 2, after line 35, insert:

"(4) management based on appropriate geographical natural resource characteristics;"

Page 2, line 36, delete "ecosystem based,"

Page 3, line 8, after "system" insert "and consolidation of administrative functions"

Page 3, after line 12, insert:

"(10) identification and review of specifications and programs that should be eliminated or accomplished by different means;"

Renumber the clauses in sequence

Page 3, lines 27 and 31, delete "7" and insert "5"

Page 4, line 27, before "Members" insert "(a)"

Page 4, line 33, delete "7" and insert "5"

Page 4, line 34, delete "4" and insert "2"

Page 5, line 4, before "As" insert "(b)"

Page 5, lines 7 and 13, delete "7" and insert "5"

Page 5, line 8, delete "3 and 4" and insert "1 and 2"

Page 5, after line 10, insert:

"(c) The joint recommendation developed under paragraph (b) must provide for:

(1) a separate agency, division, or department to which would be transferred the powers and duties of the department of natural resources relating to fish and wildlife; and

(2) within the agency, division, or department required in clause (1), a structure and process under which:

(i) a board consisting of interested persons that would make recommendations for and comment on expenditures of revenue from the sources listed in Minnesota Statutes, section 97A.055, subdivision 4, paragraph (a), clauses (1) and (2), based on regional plans approved under item (ii);

(ii) the board would establish regional committees of affected persons, based on appropriate natural resource management boundaries, that would develop regional plans for expenditures from the sources listed in Minnesota Statutes, section 97A.055, subdivision 4, paragraph (a), clauses (1) and (2); and

(iii) all fish and wildlife programs not directly related to expenditures from the sources listed in Minnesota Statutes, section 97A.055, subdivision 4, paragraph (a), clauses (1) and (2), would be funded from other sources."

Page 7, line 35, delete "BUDGET FOR NEXT BIENNium" and insert "PROPOSED BUDGET PLAN FOR FISCAL YEAR 1997"

Page 7, line 36, delete "In preparing" and insert "The commissioner of finance shall prepare" and after "budget" insert "plan"

Page 8, line 1, delete "the governor shall include" and insert "that includes"

Page 8, lines 3 and 4, delete "7" and insert "5"

Page 8, line 5, after "allocated" insert "in the budget plan"

Page 8, line 7, delete "1995, adjusted for inflation as" and insert "1996"

Page 8, delete lines 8 and 9

Page 8, line 10, delete everything before the period

Page 8, lines 11 and 14, after "budget" insert "plan"

Page 8, line 18, delete "The"

Page 8, delete lines 19 to 25

Page 8, delete sections 9 and 10

Page 9, line 1, delete "5" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 14, delete the second semicolon and insert a period

Page 1, delete lines 15 to 19

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Veterans. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred

S.F. No. 871: A bill for an act relating to state government; revising procedures used for adoption and review of administrative rules; amending Minnesota Statutes 1994, sections 14.04; 14.05, subdivision 1; 14.12; 14.38, subdivisions 1, 7, 8, and 9; 14.46, subdivisions 1, 3, and by adding a subdivision; 14.47, subdivisions 1, 2, and 6; 14.50; 14.51; 17.84; and 84.027, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; repealing Minnesota Statutes 1994, sections 3.842; 3.843; 3.844; 3.845; 3.846; 14.03, subdivision 3; 14.05, subdivisions 2 and 3; 14.06; 14.08; 14.09; 14.10; 14.11; 14.115; 14.131; 14.1311; 14.14; 14.15; 14.16; 14.18, subdivision 1; 14.19; 14.20; 14.22; 14.225; 14.23; 14.235; 14.24; 14.25; 14.26; 14.27; 14.28; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; 14.365; 14.38, subdivisions 4, 5, and 6; and 17.83.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 3.842, subdivision 2, is amended to read:

Subd. 2. [JURISDICTION.] The jurisdiction of the commission includes all rules as defined in section 14.02, subdivision 4. The commission also has jurisdiction of rules which are filed with the

secretary of state in accordance with ~~section~~ sections 14.38, subdivisions 5, 6, 7, 8, 9, and 11 ~~or were filed with the secretary of state in accordance with the provisions of section 14.38, subdivisions 5 to 9, which were in effect on the date the rules were filed; 14.386; and 14.388.~~

The commission may periodically review statutory exemptions to the rulemaking provisions of this chapter.

Sec. 2. Minnesota Statutes 1994, section 3.842, subdivision 4, is amended to read:

Subd. 4. [SUSPENSIONS.] (a) The commission may, on any of the grounds listed in paragraph (b) and on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of section 3.844 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is not enacted in that year's session, the rule is effective upon adjournment of the session unless the agency has repealed it. If the bill is enacted, the rule is repealed.

(b) A rule suspension under paragraph (a) must be based on one or more of the following reasons:

- (1) an absence of statutory authority;
- (2) an emergency relating to public health, safety, or welfare;
- (3) a failure to comply with legislative intent;
- (4) a conflict with state law;
- (5) a change in circumstances since enactment of the earliest law upon which the rule is based;
- (6) arbitrariness and capriciousness, or imposition of an undue hardship.

(c) This section authorizes the commission to suspend a rule only when the vote to suspend is taken, and the effective date of the suspension occurs, at a time when the legislature could not enact a bill to repeal the rule.

Sec. 3. Minnesota Statutes 1994, section 3.842, is amended by adding a subdivision to read:

Subd. 4a. [OBJECTIONS TO RULES.] (a) If the legislative commission to review administrative rules objects to all or some portion of a rule because the commission considers it to be beyond the procedural or substantive authority delegated to the agency, including a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), the commission may file that objection in the office of the secretary of state. The filed objection must contain a concise statement of the commission's reasons for its action. An objection to a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), may not be filed before the rule is adopted.

(b) The secretary of state shall affix to each objection a certification of the date and time of its filing and as soon after the objection is filed as practicable shall transmit a certified copy of it to the agency issuing the rule in question and the revisor of statutes. The secretary of state shall also maintain a permanent register open to public inspection of all objections by the commission.

(c) The legislative commission to review administrative rules shall publish and index an objection filed under this section in the next issue of the State Register. The revisor of statutes shall indicate its existence adjacent to the rule in question when that rule is published in Minnesota Rules.

(d) Within 14 days after the filing of an objection by the commission to a rule, the issuing agency shall respond in writing to the commission. After receipt of the response, the commission may withdraw or modify its objection.

(e) After the filing of an objection by the commission that is not subsequently withdrawn, the burden is upon the agency in any proceeding for judicial review or for enforcement of the rule to establish that the whole or portion of the rule objected to is valid.

(f) The failure of the commission to object to a rule is not an implied legislative authorization of its validity.

(g) Pursuant to sections 14.44 and 14.45, the commission may petition for a declaratory judgment to determine the validity of any rule objected to by the commission.

This action must be started within two years after an objection is filed in the office of the secretary of state.

(h) The commission may intervene in litigation arising from agency action. For purposes of this paragraph, agency action means the whole or part of a rule, or the failure to issue a rule.

Sec. 4. Minnesota Statutes 1994, section 14.04, is amended to read:

14.04 [AGENCY ORGANIZATION; GUIDEBOOK.]

To assist interested persons dealing with it, each agency shall, in a manner prescribed by the commissioner of administration, prepare a description of its organization, stating the process whereby general course and method of its operations and where and how the public may obtain information or make submissions or requests. The commissioner of administration shall publish these descriptions at least once every four years commencing in 1981 in a guidebook of state agencies. Notice of the publication of the guidebook shall be published in the State Register and given in newsletters, newspapers, or other publications, or through other means of communication.

Sec. 5. Minnesota Statutes 1994, section 14.05, subdivision 2, is amended to read:

Subd. 2. [AUTHORITY TO MODIFY PROPOSED RULE.] (a) An agency may modify a proposed rule in accordance with the procedures of the administrative procedure act. However, an agency may not modify a proposed rule so that it is substantially different from the proposed rule in the notice of intent to adopt rules or notice of hearing.

(b) A modification does not make a proposed rule substantially different if:

(1) the differences are within the scope of the matter announced in the notice of intent to adopt or notice of hearing and are in character with the issues raised in that notice;

(2) the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice; and

(3) the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.

(c) In determining whether the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question the following factors must be considered:

(1) the extent to which persons who will be affected by the rule should have understood that the rulemaking proceeding on which it is based could affect their interests;

(2) the extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of intent to adopt or notice of hearing; and

(3) the extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intent to adopt or notice of hearing.

Sec. 6. Minnesota Statutes 1994, section 14.05, is amended by adding a subdivision to read:

Subd. 5. [REVIEW AND REPEAL OF RULES.] By December 1 of each year, an agency shall submit a list of all the rules of the agency to the governor, the legislative commission to review administrative rules, and the revisor of statutes. The list must identify any rules that are obsolete and should be repealed. The list must also include an explanation of why the rule is obsolete and the agency's timetable for repeal.

Sec. 7. Minnesota Statutes 1994, section 14.06, is amended to read:

14.06 [REQUIRED RULES.]

(a) Each agency shall adopt rules, in the form prescribed by the revisor of statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public.

(b) Upon the request of any person, and as soon as feasible and to the extent practicable, each agency shall adopt rules to supersede those principles of law or policy lawfully declared by the agency as the basis for its decisions in particular cases it intends to rely on as precedents in future cases.

Sec. 8. Minnesota Statutes 1994, section 14.08, is amended to read:

14.08 [~~REVISOR OF STATUTES~~ APPROVAL OF RULE AND RULE FORM; COSTS.]

(a) Two copies of a rule adopted pursuant to ~~the provisions of section 14.26 or 14.32~~ shall be submitted by the agency to the ~~attorney-general~~ chief administrative law judge. The ~~attorney-general~~ chief administrative law judge shall send one copy of the rule to the revisor on the same day as it is submitted by the agency under section 14.26 ~~or 14.32~~. Within five days after receipt of the rule, excluding weekends and holidays, the revisor shall either return the rule with a certificate of approval of the form of the rule to the ~~attorney-general~~ chief administrative law judge or notify the ~~attorney-general~~ chief administrative law judge and the agency that the form of the rule will not be approved.

If the ~~attorney-general~~ chief administrative law judge disapproves a rule, the agency may modify it and the agency shall submit two copies of the modified rule to the ~~attorney-general~~ chief administrative law judge who shall send a copy to the revisor for approval as to form as described in this paragraph.

(b) One copy of a rule adopted after a public hearing shall be submitted by the agency to the revisor for approval of the form of the rule. Within five working days after receipt of the rule, the revisor shall either return the rule with a certificate of approval to the agency or notify the agency that the form of the rule will not be approved.

(c) If the revisor refuses to approve the form of the rule, the revisor's notice shall revise the rule so it is in the correct form.

(d) The ~~attorney-general~~ chief administrative law judge shall assess an agency for the ~~attorney-general's~~ actual cost of processing rules under this section. ~~The agency shall pay the attorney-general's assessments using the procedures of section 8.15.~~ Each agency shall include in its budget money to pay the ~~attorney-general's~~ assessments. Receipts from the assessment must be deposited in the state treasury and credited to the general fund administrative hearings account created in section 14.54.

Sec. 9. Minnesota Statutes 1994, section 14.09, is amended to read:

14.09 [PETITION FOR ADOPTION OF RULE.]

Any ~~interested~~ person may petition an agency requesting the adoption, ~~suspension~~, amendment, or repeal of any rule. The petition shall be specific as to what action is requested and the need for the action. Upon receiving a petition an agency shall have 60 days in which to make a specific and detailed reply in writing as to its planned disposition of the request and the reasons for its planned disposition of the request. If the agency states its intention to hold a public hearing on the subject of the request, it shall proceed according to sections 14.05 to ~~14.36~~ 14.28. The ~~attorney-general~~ chief administrative law judge shall prescribe by rule the form for all petitions under this section and may prescribe further procedures for their submission, consideration, and disposition.

Sec. 10. [14.101] [ADVICE ON POSSIBLE RULES.]

Subdivision 1. [REQUIRED NOTICE.] In addition to seeking information by other methods

designed to reach persons or classes of persons who might be affected by the proposal, an agency, before publication of a notice of intent to adopt or a notice of hearing, shall solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by causing notice to be published in the State Register. The notice must include a description of the subject matter of the proposal, the types of groups and individuals likely to be affected, and indicate where, when, and how persons may comment on the proposal and whether and how drafts of any proposal may be obtained from the agency.

Subd. 2. [ADVISORY COMMITTEES.] Each agency may also appoint committees to comment, before publication of a notice of intent to adopt or a notice of hearing, on the subject matter of a possible rulemaking under active consideration within the agency. The membership of those committees must be published at least annually in the State Register.

Subd. 3. [EFFECT OF GOOD FAITH COMPLIANCE.] If an agency has made a good faith effort to comply with this section, a rule may not be invalidated on the grounds that the contents of this notice are insufficient or inaccurate.

Sec. 11. [14.125] [TIME LIMIT ON AUTHORITY TO ADOPT, AMEND, OR REPEAL RULES.]

An agency shall publish a notice of intent to adopt rules or a notice of hearing within 18 months of the effective date of the law authorizing or requiring rules to be adopted, amended, or repealed. If the notice is not published within the time limit imposed by this section, the authority for the rules expires. The agency shall not use other law in existence at the time of the expiration of rulemaking authority under this section as authority to adopt, amend, or repeal these rules.

An agency that publishes a notice of intent to adopt rules or a notice of hearing within the time limit specified in this section may subsequently amend or repeal the rules without additional legislative authorization.

Sec. 12. Minnesota Statutes 1994, section 14.131, is amended to read:

14.131 [STATEMENT OF NEED AND REASONABLENESS.]

Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule ~~and a fiscal note if required by section 3.982~~. The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge- and must include the following:

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

(5) the probable costs of complying with the proposed rule; and

(6) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

For rules setting, adjusting, or establishing regulatory, licensure, or other charges for goods and services, the statement of need and reasonableness must include the comments and recommendations of the commissioner of finance and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285.

The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

The agency shall send a copy of the statement of need and reasonableness to the legislative commission to review administrative rules when it becomes available for public review.

Sec. 13. Minnesota Statutes 1994, section 14.14, subdivision 1a, is amended to read:

Subd. 1a. [NOTICE OF RULE HEARING.] Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule hearings proceedings. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hearing, give notice of its intention to adopt rules by United States mail to all persons on its list, and by publication in the State Register. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. Each agency may, at its own discretion, also contact persons not on its list and may give who may be affected by the rule being proposed. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be affected by the rule being proposed by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice in the State Register must include the proposed rule or an amended rule in the form required by the revisor under section 14.07, together with a citation to the most specific statutory authority for the proposed rule, a statement of the place, date, and time of the public hearing, a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that a rule has been adopted, and other information as required by law or rule. When an entire rule is proposed to be repealed, the agency need only publish that fact, giving the citation to the rule to be repealed in the notice.

Sec. 14. Minnesota Statutes 1994, section 14.15, subdivision 3, is amended to read:

Subd. 3. [FINDING OF SUBSTANTIAL ~~CHANGE~~ DIFFERENCE.] If the report contains a finding that a rule has been modified in a way which makes it substantially different, as determined under section 14.05, subdivision 2, from that which was originally proposed, or that the agency has not met the requirements of sections 14.131 to 14.18, it shall be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves the finding of the administrative law judge, the chief administrative law judge shall advise the agency and the revisor of statutes of actions which will correct the defects. The agency shall not adopt the rule until the chief administrative law judge determines that the defects have been corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.

Sec. 15. Minnesota Statutes 1994, section 14.15, subdivision 4, is amended to read:

Subd. 4. [NEED OR REASONABLENESS NOT ESTABLISHED.] If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to delay adoption longer wait for the commission's advice for more than 30 60 days after the commission has received the agency's submission. ~~Advice of the commission shall not be binding on the agency.~~

Sec. 16. Minnesota Statutes 1994, section 14.16, subdivision 1, is amended to read:

Subdivision 1. [REVIEW OF MODIFICATIONS.] If the report of the administrative law judge finds no defects, the agency may proceed to adopt the rule. After receipt of the administrative law judge's report, if the agency makes any modifications to the rule other than those recommended by the administrative law judge, it must return the rule to the chief administrative law judge for a review on the issue of substantial change whether the rule as modified is substantially different, as

determined under section 14.05, subdivision 2, from the rule as originally proposed. If the chief administrative law judge determines that the modified rule is substantially different from that which was originally proposed, the chief administrative law judge shall advise the agency of actions which will correct the defects. The agency shall not adopt the modified rule until the chief administrative law judge determines that the defects have been corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.

The agency shall give notice to all persons who requested to be informed that the rule has been adopted and filed with the secretary of state. This notice shall be given on the same day that the rule is filed.

Sec. 17. Minnesota Statutes 1994, section 14.19, is amended to read:

14.19 [DEADLINE TO COMPLETE RULEMAKING.]

The agency shall, within 180 days after issuance of the administrative law judge's report, submit its notice of adoption, amendment, ~~suspension~~, or repeal to the State Register for publication. If the agency has not submitted its notice to the State Register within 180 days, the rule is automatically withdrawn. The agency shall not adopt the withdrawn rules without again following the procedures of sections 14.05 to 14.36. It shall report to the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to adopt rules and the reasons for that failure. The 180-day time limit of this section does not include any days used for review by the chief administrative law judge, ~~the attorney general~~, or the legislative commission to review administrative rules if the review is required by law.

Sec. 18. Minnesota Statutes 1994, section 14.22, subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] Unless an agency proceeds directly to a public hearing on a proposed rule and gives the notice prescribed in section 14.14, subdivision 1a, the agency shall give notice of its intention to adopt a rule without public hearing. The notice shall be given by publication in the State Register and by United States mail to persons who have registered their names with the agency pursuant to section 14.14, subdivision 1a. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. Each agency may, at its own discretion, also contact persons not on its list who may be affected by the rule being proposed. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be affected by the rule by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice in the State Register shall include the proposed rule or the amended rule in the form required by the revisor under section 14.07, and a citation to the most specific statutory authority for the proposed rule, a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that a rule has been submitted to the chief administrative law judge, and other information as required by law or rule. When an entire rule is proposed to be repealed, the notice need only state that fact, giving the citation to the rule to be repealed in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment in support of or in opposition to the proposed rule and that comment is encouraged;

(2) that each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed;

(3) that if 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held;

(4) of the manner in which persons shall request a public hearing on the proposed rule;

~~(5) that the name and address of the person requesting a public hearing shall be stated of the requirements contained in section 14.25 relating to a written request for a public hearing, and that the requester is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and propose any change proposed desired;~~

(6) that the proposed rule may be modified if the modifications are supported by the data and views submitted; and

(7) that if a hearing is not required, notice of the date of submission of the proposed rule to the ~~attorney general~~ chief administrative law judge for review will be mailed to any person requesting to receive the notice.

In connection with the statements required in clauses (1) and (3), the notice must also include the date on which the 30-day comment period ends.

Sec. 19. Minnesota Statutes 1994, section 14.23, is amended to read:

14.23 [STATEMENT OF NEED AND REASONABLENESS.]

Before the date of the section 14.22 notice, the agency shall prepare a statement of need and reasonableness which shall be available to the public. The statement of need and reasonableness must include the analysis required in section 14.131 and the comments and recommendations of the commissioner of finance, and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285. The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rules or must explain why these efforts were not made. For at least 30 days following the notice, the agency shall afford all interested persons the public an opportunity to request a public hearing and to submit data and views on the proposed rule in writing.

The agency shall send a copy of the statement of need and reasonableness to the legislative commission to review administrative rules when it becomes available to the public.

Sec. 20. Minnesota Statutes 1994, section 14.24, is amended to read:

14.24 [MODIFICATIONS OF PROPOSED RULE.]

The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change substantially different rule, as determined under section 14.05, subdivision 2, from the rule as originally proposed. An agency may adopt a substantially different rule after satisfying the rule requirements for the adoption of a substantially different rule.

Sec. 21. Minnesota Statutes 1994, section 14.25, is amended to read:

14.25 [PUBLIC HEARING ~~REQUIRED~~.]

Subdivision 1. [REQUESTS FOR HEARING.] If, during the 30-day period allowed for comment, 25 or more persons submit to the agency a written request for a public hearing of the proposed rule, the agency shall proceed under the provisions of sections 14.14 to 14.20. The written request must include: (1) the name and address of the person requesting the public hearing; and (2) the portion or portions of the rule to which the person objects or a statement that the person opposes the entire rule. A notice of the public hearing must be published in the State Register and mailed to those persons who submitted a written request for the public hearing. Unless the agency has modified the proposed rule, the notice need not include the text of the proposed rule but only a citation to the State Register pages where the text appears.

A written request for a public hearing that does not comply with the requirements of this section is invalid and must not be counted by the agency for purposes of determining whether a public hearing must be held.

Subd. 2. [WITHDRAWAL OF HEARING REQUESTS.] If a request for a public hearing has been withdrawn, the agency must give written notice of that fact to all persons who have requested the public hearing. The notice must explain why the request is being withdrawn, and must include a description of any action the agency has taken or will take that affected or may have affected the decision to withdraw the request. The notice must also invite persons to submit written comments to the agency relating to the withdrawal. The notice and any written comments received by the agency is part of the rulemaking record submitted to the administrative law judge under section 14.14 or 14.26. The administrative law judge shall review the notice and any comments received and determine whether the withdrawal is consistent with section 14.001, clauses (2), (4), and (5).

Sec. 22. Minnesota Statutes 1994, section 14.26, is amended to read:

14.26 [ADOPTION OF PROPOSED RULE; SUBMISSION TO ATTORNEY GENERAL ADMINISTRATIVE LAW JUDGE.]

Subdivision 1. [SUBMISSION.] If no hearing is required, the agency shall submit to ~~the attorney-general~~ an administrative law judge assigned by the chief administrative law judge the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall give notice to all persons who requested to be informed that these materials have been submitted to the ~~attorney-general~~ administrative law judge. This notice shall be given on the same day that the record is submitted. If the proposed rule has been modified, the notice shall state that fact, and shall state that a free copy of the proposed rule, as modified, is available upon request from the agency. The rule and these materials shall be submitted to the ~~attorney-general~~ administrative law judge within 180 days of the day that the comment period for the rule is over or the rule is automatically withdrawn. The agency shall report its failure to adopt the rules and the reasons for that failure to the legislative commission to review administrative rules, other appropriate legislative committees, and the governor.

Subd. 2. [RESUBMISSION.] Even if the 180-day period expires while the ~~attorney-general~~ administrative law judge reviews the rule, if the ~~attorney-general~~ administrative law judge rejects the rule, the agency may resubmit it after taking corrective action. The resubmission must occur within 30 days of when the agency receives written notice of the disapproval. If the rule is again disapproved, the rule is withdrawn. An agency may resubmit at any time before the expiration of the 180-day period. If the agency withholds some of the proposed rule, it may not adopt the withheld portion without again following the procedures of sections 14.14 to 14.28, ~~or 14.29 to 14.36.~~

Subd. 3. [REVIEW.] (a) The ~~attorney-general~~ administrative law judge shall, within 14 days, approve or disapprove the rule as to its legality and its form to the extent the form relates to legality, including the ~~issue~~ issues of substantial change whether the rule if modified is substantially different, as determined under section 14.05, subdivision 2, from the rule as originally proposed, and ~~determine~~ whether the agency has the authority to adopt the rule, and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rule ~~within 14 days~~. If the rule is approved, the ~~attorney-general~~ administrative law judge shall promptly file two copies of it in the office of the secretary of state. The secretary of state shall forward one copy of each rule to the revisor of statutes. If the rule is disapproved, the ~~attorney-general~~ administrative law judge shall state in writing the reasons and make recommendations to overcome the ~~deficiencies, and defects.~~

(b) The written disapproval must be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves of the findings of the administrative law judge, the chief administrative law judge shall send the statement of the reasons for disapproval of the rule to the agency, the legislative commission to review administrative rules, and the revisor of statutes and advise the agency and the revisor of statutes of actions that will correct the defects. The rule shall not be filed in the office of the secretary of state, nor published until the ~~deficiencies~~ chief administrative law judge determines that the defects have been ~~overcome~~ corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule. ~~The attorney-general shall send a statement of reasons for disapproval of the rule to the agency, the chief administrative law judge, the legislative commission to review administrative rules, and to the revisor of statutes.~~

(c) If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to wait for the commission's advice for more than 60 days after the commission has received the agency's submission.

(d) The ~~attorney-general~~ administrative law judge shall disregard any error or defect in the proceeding due to the agency's failure to satisfy any procedural requirements imposed by law or rule if the ~~attorney-general~~ administrative law judge finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the agency has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 4. [COSTS.] The ~~attorney general~~ office of administrative hearings shall assess an agency for the actual cost of processing rules under this section. ~~The agency shall pay the attorney general's assessments using the procedures of section 8.15.~~ Each agency shall include in its budget money to pay the ~~attorney general's~~ assessment. Receipts from the assessment must be deposited in the ~~state treasury and credited to the general fund~~ administrative hearings account created in section 14.54.

Sec. 23. Minnesota Statutes 1994, section 14.365, is amended to read:

14.365 [OFFICIAL RULEMAKING RECORD.]

The agency shall maintain the official rulemaking record for every rule adopted pursuant to sections 14.05 to ~~14.36~~ 14.28. The record shall be available for public inspection. The record required by this section constitutes the official and exclusive agency rulemaking record with respect to agency action on or judicial review of the rule. The record shall contain:

- (1) copies of all publications in the State Register pertaining to the rule;
- (2) all written petitions, requests, submissions, or comments received by the agency, or the administrative law judge, ~~or the attorney general~~ pertaining to the rule;
- (3) the statement of need and reasonableness for the rule, ~~if any~~;
- (4) the official transcript of the hearing if one was held, or the tape recording of the hearing if a transcript was not prepared;
- (5) the report of the administrative law judge, if any;
- (6) the rule in the form last submitted to the administrative law judge under sections 14.14 to 14.20 or first submitted to the ~~attorney general~~ administrative law judge under sections 14.22 to 14.28;
- (7) the ~~attorney general's~~ administrative law judge's written statement of required modifications and of approval or disapproval by the chief administrative law judge, ~~if any;~~
- (8) any documents required by applicable rules of the office of administrative hearings ~~or of the attorney general;~~
- (9) the agency's order adopting the rule;
- (10) the revisor's certificate approving the form of the rule; and
- (11) a copy of the adopted rule as filed with the secretary of state.

Sec. 24. [14.366] [PUBLIC RULEMAKING DOCKET.]

- (a) Each agency shall maintain a current, public rulemaking docket.
- (b) The rulemaking docket must contain a listing of the precise subject matter of each possible proposed rule currently under active consideration within the agency for proposal, the name and address of agency personnel with whom persons may communicate with respect to the matter, and an indication of its present status within the agency.
- (c) The rulemaking docket must list each pending rulemaking proceeding. A rulemaking proceeding is pending from the time it is begun, by publication of the notice of solicitation, the notice of intent to adopt, or notice of hearing, to the time it is terminated, by publication of a notice of withdrawal or the rule becoming effective. For each rulemaking proceeding, the docket must indicate:

- (1) the subject matter of the proposed rule;
- (2) a citation to all published notices relating to the proceeding;
- (3) where written comments on the proposed rule may be inspected;
- (4) the time during which written comments may be made;
- (5) the names of persons who have made written requests for a public hearing, where those requests may be inspected, and where and when the hearing will be held;
- (6) the current status of the proposed rule and any agency determinations with respect to the rule;
- (7) any known timetable for agency decisions or other action in the proceeding;
- (8) the date of the rule's adoption;
- (9) the date the rule was filed with the secretary of state; and
- (10) when the rule will become effective.

Sec. 25. [14.386] [PROCEDURE FOR ADOPTING EXEMPT RULES; DURATION.]

(a) A rule adopted, amended, or repealed by an agency, under a statute authorizing or requiring rules to be adopted but excluded from the rulemaking provisions of chapter 14 or from the definition of a rule, has the force and effect of law only if:

- (1) the revisor of statutes approves the form of the rule by certificate;
- (2) the office of administrative hearings approves the rule as to its legality within 14 days after the agency submits it for approval and files two copies of the rule with the revisor's certificate in the office of the secretary of state; and

(3) a copy is published by the agency in the State Register.

(b) A rule adopted under this section is effective for a period of two years from the date of publication of the rule in the State Register. The authority for the rule expires at the end of this two-year period.

(c) The chief administrative law judge shall adopt rules relating to the rule approval duties imposed by this section and section 14.388, including rules establishing standards for review.

(d) This section does not apply to rules adopted, amended, or repealed under section 14.388.

This section also does not apply to:

- (1) rules implementing emergency powers pursuant to sections 12.31 to 12.37;
- (2) rules of agencies directly in the legislative or judicial branches;
- (3) rules of the regents of the University of Minnesota;
- (4) rules of the department of military affairs;
- (5) rules of the comprehensive health association provided in section 62E.10;
- (6) rules of the tax court provided by section 271.06;
- (7) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public;
- (8) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;

(9) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;

(10) opinions of the attorney general;

(11) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;

(12) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;

(13) the occupational safety and health standards provided in section 182.655;

(14) revenue notices and tax information bulletins of the commissioner of revenue; or

(15) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09.

Sec. 26. [14.387] [LEGAL STATUS OF EXISTING EXEMPT RULES.]

A rule adopted on or before the day following final enactment of this section, and which was not adopted under sections 14.05 to 14.36 or their predecessor provisions, does not have the force and effect of law on and after July 1, 1997, and the authority for the rule expires on that date.

This section does not apply to:

(1) rules implementing emergency powers under sections 12.31 to 12.37;

(2) rules of agencies directly in the legislative or judicial branches;

(3) rules of the regents of the University of Minnesota;

(4) rules of the department of military affairs;

(5) rules of the comprehensive health association provided in section 62E.10;

(6) rules of the tax court provided by section 271.06;

(7) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public;

(8) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;

(9) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;

(10) opinions of the attorney general;

(11) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;

(12) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;

(13) the occupational safety and health standards provided in section 182.655;

(14) revenue notices and tax information bulletins of the commissioner of revenue; or

(15) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09.

Sec. 27. [14.388] [GOOD CAUSE EXEMPTION.]

If an agency for good cause finds that the rulemaking provisions of this chapter are unnecessary, impracticable, or contrary to the public interest when adopting, amending, or repealing a rule to:

- (1) address a serious and immediate threat to the public health, safety, or welfare;
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with sections 14.14 to 14.28;
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required; or
- (4) make changes that do not alter the sense, meaning, or effect of a rule,
the agency may adopt, amend, or repeal the rule after satisfying the requirements of section 14.386, paragraph (a), clauses (1) to (3). The agency shall incorporate its findings and a brief statement of its supporting reasons in its order adopting, amending, or repealing the rule.

In review of the rule under section 14.386, the office of administrative hearings shall determine whether the agency has provided adequate justification for its use of this section.

Rules adopted, amended, or repealed under clauses (1) and (2) are effective for a period of two years from the date of publication of the rule in the State Register.

Rules adopted, amended, or repealed under clause (3) or (4) are effective upon publication in the State Register.

Sec. 28. Minnesota Statutes 1994, section 14.48, is amended to read:

14.48 [CREATION OF OFFICE OF ADMINISTRATIVE HEARINGS; CHIEF ADMINISTRATIVE LAW JUDGE APPOINTED; OTHER ADMINISTRATIVE LAW JUDGES APPOINTED.]

A state office of administrative hearings is created. The office shall be under the direction of a chief administrative law judge who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. Senate confirmation of the chief administrative law judge shall be as provided by section 15.066. The chief administrative law judge may hear cases and shall appoint additional administrative law judges and compensation judges to serve in the office as necessary to fulfill the duties prescribed in ~~sections 14.48 to 14.56~~ chapters 14 and chapter 176. The chief administrative law judge may delegate to a subordinate employee the exercise of a specified statutory power or duty as deemed advisable, subject to the control of the chief administrative law judge. Every delegation must be by written order filed with the secretary of state. All administrative law judges and compensation judges shall be in the classified service except that the chief administrative law judge shall be in the unclassified service, but may be removed only for cause. All administrative law judges shall have demonstrated knowledge of administrative procedures and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner. All workers' compensation judges shall be learned in the law, shall have demonstrated knowledge of workers' compensation laws and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.

Sec. 29. Minnesota Statutes 1994, section 14.51, is amended to read:

14.51 [PROCEDURAL RULES FOR HEARINGS.]

The chief administrative law judge shall adopt rules to govern: (1) the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings, contested case hearings, and workers' compensation hearings, and to govern the conduct of voluntary mediation sessions for rulemaking and contested cases other than those within the jurisdiction of the bureau of mediation services. Temporary rulemaking authority is granted to the chief administrative law judge for the purpose of implementing Laws 1981, chapter 346, sections 2 to 6, 103 to 122, 127 to 135, and 141; and (2) the review of rules adopted without a public hearing. The procedural rules

~~for hearings~~ shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules ~~for hearings~~ shall include in addition to normal procedural matters provisions relating to ~~recessing and reconvening new hearings~~ the procedure to be followed when the proposed final rule of an agency is substantially different, as determined under section 14.05, subdivision 2, from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief administrative law judge ~~to determine whether or not a new hearing is required because on the issue of substantial changes~~ whether the proposed final rule of the agency is substantially different than that which was proposed or failure of the agency to meet the requirements of ~~sections 14.131 to 14.18~~ chapter 14. The rules must also provide an expedited procedure, consistent with section 14.001, clauses (1) to (5), for the adoption of substantially different rules by agencies. Upon the chief administrative law judge's own initiative or upon written request of an interested party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 30. Minnesota Statutes 1994, section 16A.1285, subdivision 2, is amended to read:

Subd. 2. [POLICY.] Unless otherwise provided by law, specific charges falling within definitions stipulated in subdivision 1 must be set in the manner prescribed in this subdivision provided that: (1) agencies, when setting, adjusting, or authorizing any charge for goods or services that are of direct, immediate, and primary benefit to an individual, business, or other nonstate entity, shall set the charges at a level that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services; or (2) that agencies, when setting, adjusting, or establishing regulatory, licensure, or other charges that are levied, in whole or in part, in the public interest shall recover, but are not limited to, the costs involved in performance and administration of the functions involved.

In setting, adjusting, or authorizing charges that in whole or in part recover previously unrecovered costs, recovery is limited to those unrecovered costs incurred during the two fiscal years immediately preceding the setting, adjustment, or authorization.

Sec. 31. Minnesota Statutes 1994, section 17.84, is amended to read:

17.84 [DUTIES OF THE COMMISSIONER.]

Within 30 days of the receipt of the ~~notices~~ notice provided in section 17.82 ~~or 17.83~~, the commissioner shall review the agency's proposed action, shall negotiate with the agency, and shall recommend to the agency in writing the implementation either of the action as proposed or an alternative. In making recommendations, the commissioner shall follow the statement of policy contained in section 17.80. ~~If the proposed agency action is the adoption of a rule, the recommendation of the commissioner shall be made a part of the record in the rule hearing.~~ If the agency receives no response from the commissioner within 30 days, it shall be deemed a recommendation that the agency take the action as proposed.

Sec. 32. Minnesota Statutes 1994, section 43A.04, is amended by adding a subdivision to read:

Subd. 11. [TRAINING FOR AGENCY RULEMAKING STAFF.] The commissioner, in cooperation with the office of administrative hearings, the attorney general, and the revisor of statutes, shall provide training to agency staff involved in rulemaking, including training on the use of professional negotiators and mediators in rulemaking proceedings.

The commissioner may charge agency staff a registration fee for attending this training. The fee must be set at a level that permits the commissioner to recover the costs, excluding costs of staff time for staff positions funded through general fund appropriations, of providing this training.

The office of administrative hearings, the administrative rules counsel, the attorney general, and the revisor of statutes shall not assess the commissioner for the cost of staff time to conduct the training provided under this subdivision.

Sec. 33. Minnesota Statutes 1994, section 62N.05, is amended by adding a subdivision to read:

Subd. 4. [RECOVERY OF COSTS.] The provisions of section 16A.1285, subdivision 2, limiting recovery of costs to the two fiscal years immediately preceding the setting, adjustment, or authorization of fees do not apply to fees charged to entities licensed under this chapter. This subdivision expires June 30, 1999.

Sec. 34. Minnesota Statutes 1994, section 84.027, is amended by adding a subdivision to read:

Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, and to prohibit or allow importation, transportation, or possession of a wild animal; and

(2) sections 84.093, 84.14, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas.

Clause (2) does not limit or supersede the commissioner's authority to establish opening dates, days, and hours of the wild rice harvesting season under section 84.14, subdivision 3.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the legislative commission to review administrative rules, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 35. [97A.0451] [AUTHORITY FOR USE OF EMERGENCY RULES PROCEDURE; EXPIRATION OF AUTHORITY.]

Subdivision 1. [WHEN TO USE EMERGENCY RULEMAKING.] When the commissioner is directed by statute, federal law, or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 14.14 to 14.28, or if the commissioner is expressly required or authorized by statute to adopt emergency rules, the commissioner shall adopt emergency rules in accordance with sections 97A.0451 to 97A.0459.

Subd. 2. [180-DAY TIME LIMIT.] Unless the commissioner is directed by federal law or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 97A.0451 to 97A.0459, the commissioner may not adopt an emergency rule later than 180 days after the effective date of the statutory authority, except as provided in section 84.027, subdivision 13. If emergency rules are not adopted within the time allowed, the authority for the rules expires. The time limit of this section does not include any days used for review by the attorney general. If the 180-day period expires while the attorney general is reviewing the rule and the attorney general disapproves the rule, the commissioner may resubmit the rule to the attorney general after taking corrective action. The resubmission must occur within five working days after the commissioner receives written notice of disapproval. If the rule is again disapproved by the attorney general, it is withdrawn.

Sec. 36. [97A.0452] [NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE.]

The proposed emergency rule must be published with a notice of intent to adopt emergency rules in the State Register, and the same notice must be mailed to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The notice must include a statement advising the public that a free copy of the proposed rule is available on request from the commissioner and that notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive the notice. For at least 25 days after publication the commissioner shall afford all interested persons an opportunity to submit data and views on the proposed emergency rule in writing. The notice must also include the date on which the 25-day comment period ends.

Sec. 37. [97A.0453] [NOTICE TO COMMITTEES FOR FEES FIXED BY RULE.]

Before the commissioner submits notice to the State Register of intent to adopt emergency rules that establish or adjust fees, the commissioner shall comply with section 16A.128, subdivision 2a.

Sec. 38. [97A.0454] [MODIFICATIONS OF PROPOSED EMERGENCY RULE.]

The proposed emergency rule may be modified if the modifications are supported by the data and views submitted to the commissioner.

Sec. 39. [97A.0455] [SUBMISSION OF PROPOSED EMERGENCY RULE TO ATTORNEY GENERAL.]

Subdivision 1. [SUBMISSION.] The commissioner shall submit to the attorney general the proposed emergency rule as published, with any modifications. On the same day that it is submitted, the commissioner shall mail notice of the submission to all persons who requested to be informed that the proposed emergency rule has been submitted to the attorney general. If the proposed emergency rule has been modified, the notice must state that fact, and must state that a free copy of the proposed emergency rule, as modified, is available upon request from the commissioner.

Subd. 2. [REVIEW.] The attorney general shall review the proposed emergency rule as to its legality, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the commissioner. The attorney general shall send a statement of reasons for disapproval of the rule to the commissioner, the chief administrative law judge, the legislative commission to review administrative rules, and to the revisor of statutes.

The attorney general shall disregard any error or defect in the proceeding due to the commissioner's failure to satisfy any procedural requirement imposed by law or rule if the attorney general finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the commissioner has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 3. [COSTS.] The attorney general shall assess the commissioner for the actual cost of processing rules under this section. The commissioner shall include in the department's budget money to pay the attorney general's assessment. Receipts from the assessment must be deposited in the state treasury and credited to the general fund.

Sec. 40. [97A.0456] [EFFECTIVE DATE OF EMERGENCY RULE.]

The emergency rule takes effect five working days after approval by the attorney general. The attorney general shall file two copies of the approved emergency rule with the secretary of state. The secretary of state shall forward one copy of each approved and filed emergency rule to the revisor of statutes. Failure of the attorney general to approve or disapprove a proposed emergency rule within ten working days is approval.

Sec. 41. [97A.0457] [PUBLICATION OF APPROVAL.]

As soon as practicable, notice of the attorney general's decision must be published in the State Register and the adopted rule must be published in the manner as provided for adopted rules in section 14.18.

Sec. 42. [97A.0458] [EFFECTIVE PERIOD OF EMERGENCY RULE.]

Emergency rules adopted under sections 97A.0451 to 97A.0459 shall be effective for the period stated in the notice of intent to adopt emergency rules which may not be longer than 180 days. The emergency rules may be continued in effect for an additional period of up to 180 days if the commissioner gives notice of continuation by publishing notice in the State Register and mailing the same notice to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The continuation is not effective until these notices have been mailed. No emergency rule may remain in effect on a date 361 days after its original effective date. The emergency rules may not be continued in effect after 360 days without following the procedure of sections 14.14 to 14.28.

Sec. 43. [97A.0459] [APPROVAL OF FORM OF EMERGENCY RULE.]

No approved emergency rule shall be filed with the secretary of state or published in the State Register unless the revisor of statutes has certified that the emergency rule's form is approved.

Sec. 44. [APPROPRIATION.]

(a) \$35,000 is appropriated from the general fund to the administrative hearings account in Minnesota Statutes, section 14.54, for the purposes of section 45. The appropriation is available until spent. The approved complement of the office of administrative hearings is increased by three positions in the classified service.

(b) The office of the attorney general shall transfer \$15,000 in fiscal year 1996 to the office of administrative hearings.

(c) \$78,000 is appropriated from the general fund to the legislative commission to review administrative rules for fiscal year 1996.

Sec. 45. [TRANSFER OF RULE REVIEW AUTHORITY.]

(a) The rule review duties of the office of the attorney general are transferred to the office of administrative hearings on January 1, 1996. Minnesota Statutes, section 15.039, does not apply to this transfer.

(b) Proposed rules for which a notice under Minnesota Statutes, section 14.22 or 14.30, has been published in the State Register before January 1, 1996, shall continue to be reviewed by the attorney general under the rule review authority transferred by this act and are governed by Minnesota Statutes 1994, chapter 14, and Minnesota Rules, chapter 2010.

(c) Except as otherwise provided in paragraph (b), Minnesota Rules, chapter 2010, shall be enforced by the office of administrative hearings until it is amended or repealed by that office.

Sec. 46. [REVISOR INSTRUCTION.]

The revisor of statutes shall correct or remove the references in Minnesota Statutes and Minnesota Rules to the statutory sections repealed in this act.

The revisor of statutes shall change the terms "office of attorney general," "attorney general," or similar terms to "office of administrative hearings," "chief administrative law judge," "administrative law judge," or similar terms in Minnesota Rules, chapter 2010, to reflect the intent of the legislature to transfer the attorney general's rule review functions in the manner provided in this act.

Sec. 47. [REPEALER.]

(a) Minnesota Statutes 1994, sections 3.846; 14.12; 14.1311; and 14.235, are repealed.

(b) Minnesota Statutes 1994, sections 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; and 14.36, are repealed.

(c) Minnesota Statutes 1994, sections 14.10; 14.11; 14.115; and 17.83, are repealed.

Sec. 48. [EFFECTIVE DATE.]

Sections 1 to 4; 6; 7; 10; 15; 26; 31; 47, paragraph (c); and the rulemaking authority granted in sections 25 and 29 are effective the day following final enactment. Section 11 applies to laws authorizing or requiring rulemaking that are finally enacted after January 1, 1996. Section 30 is effective for costs incurred after June 30, 1995. Section 44 is effective July 1, 1995. The remainder of the act is effective January 1, 1996."

Delete the title and insert:

"A bill for an act relating to state government; administrative rulemaking; revising the procedures for the adoption and review of agency rules; appropriating money; amending Minnesota Statutes 1994, sections 3.842, subdivisions 2, 4, and by adding a subdivision; 14.04; 14.05, subdivision 2, and by adding a subdivision; 14.06; 14.08; 14.09; 14.131; 14.14, subdivision 1a; 14.15, subdivisions 3 and 4; 14.16, subdivision 1; 14.19; 14.22, subdivision 1; 14.23; 14.24; 14.25; 14.26; 14.365; 14.48; 14.51; 16A.1285, subdivision 2; 17.84; 43A.04, by adding a subdivision; 62N.05, by adding a subdivision; and 84.027, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 14; and 97A; repealing Minnesota Statutes 1994, sections 3.846; 14.10; 14.11; 14.115; 14.12; 14.1311; 14.235; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; and 17.83."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred

S.F. No. 872: A bill for an act relating to state government; administrative rulemaking; revising the procedures for the adoption and review of agency rules; appropriating money; amending Minnesota Statutes 1994, sections 3.842, subdivisions 2, 4, and by adding a subdivision; 14.04; 14.05, subdivision 2, and by adding a subdivision; 14.06; 14.08; 14.09; 14.131; 14.14, subdivision 1a; 14.15, subdivisions 3 and 4; 14.16, subdivision 1; 14.19; 14.22, subdivision 1; 14.23; 14.24; 14.25; 14.26; 14.365; 14.48; 14.51; 16A.1285, subdivision 2; 17.84; 43A.04, by adding a subdivision; 62N.05, by adding a subdivision; and 84.027, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 14; and 97A; repealing Minnesota Statutes 1994, sections 3.846; 14.10; 14.11; 14.115; 14.12; 14.1311; 14.235; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; and 17.83.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 3.842, subdivision 2, is amended to read:

Subd. 2. [JURISDICTION.] The jurisdiction of the commission includes all rules as defined in

section 14.02, subdivision 4. The commission also has jurisdiction of rules which are filed with the secretary of state in accordance with ~~section~~ sections 14.38, subdivisions 5, 6, 7, 8, 9, and 11 or ~~were filed with the secretary of state in accordance with the provisions of section 14.38, subdivisions 5 to 9, which were in effect on the date the rules were filed, 14.386; and 14.388.~~

The commission may periodically review statutory exemptions to the rulemaking provisions of this chapter.

Sec. 2. Minnesota Statutes 1994, section 3.842, subdivision 4, is amended to read:

Subd. 4. [SUSPENSIONS.] (a) The commission may, on any of the grounds listed in paragraph (b) and on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of section 3.844 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is not enacted in that year's session, the rule is effective upon adjournment of the session unless the agency has repealed it. If the bill is enacted, the rule is repealed.

(b) A rule suspension under paragraph (a) must be based on one or more of the following reasons:

- (1) an absence of statutory authority;
- (2) an emergency relating to public health, safety, or welfare;
- (3) a failure to comply with legislative intent;
- (4) a conflict with state law;
- (5) a change in circumstances since enactment of the earliest law upon which the rule is based;
- (6) arbitrariness and capriciousness, or imposition of an undue hardship.

(c) This section authorizes the commission to suspend a rule only when the vote to suspend is taken, and the effective date of the suspension occurs, at a time when the legislature could not enact a bill to repeal the rule.

Sec. 3. Minnesota Statutes 1994, section 3.842, is amended by adding a subdivision to read:

Subd. 4a. [OBJECTIONS TO RULES.] (a) If the legislative commission to review administrative rules objects to all or some portion of a rule because the commission considers it to be beyond the procedural or substantive authority delegated to the agency, including a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), the commission may file that objection in the office of the secretary of state. The filed objection must contain a concise statement of the commission's reasons for its action. An objection to a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), may not be filed before the rule is adopted.

(b) The secretary of state shall affix to each objection a certification of the date and time of its filing and as soon after the objection is filed as practicable shall transmit a certified copy of it to the agency issuing the rule in question and the revisor of statutes. The secretary of state shall also maintain a permanent register open to public inspection of all objections by the commission.

(c) The legislative commission to review administrative rules shall publish and index an objection filed under this section in the next issue of the State Register. The revisor of statutes shall indicate its existence adjacent to the rule in question when that rule is published in Minnesota Rules.

(d) Within 14 days after the filing of an objection by the commission to a rule, the issuing agency shall respond in writing to the commission. After receipt of the response, the commission may withdraw or modify its objection.

(e) After the filing of an objection by the commission that is not subsequently withdrawn, the burden is upon the agency in any proceeding for judicial review or for enforcement of the rule to establish that the whole or portion of the rule objected to is valid.

(f) The failure of the commission to object to a rule is not an implied legislative authorization of its validity.

(g) Pursuant to sections 14.44 and 14.45, the commission may petition for a declaratory judgment to determine the validity of any rule objected to by the commission.

This action must be started within two years after an objection is filed in the office of the secretary of state.

(h) The commission may intervene in litigation arising from agency action. For purposes of this paragraph, agency action means the whole or part of a rule, or the failure to issue a rule.

Sec. 4. Minnesota Statutes 1994, section 14.04, is amended to read:

14.04 [AGENCY ORGANIZATION; GUIDEBOOK.]

To assist interested persons dealing with it, each agency shall, in a manner prescribed by the commissioner of administration, prepare a description of its organization, stating the process whereby general course and method of its operations and where and how the public may obtain information or make submissions or requests. The commissioner of administration shall publish these descriptions at least once every four years commencing in 1981 in a guidebook of state agencies. Notice of the publication of the guidebook shall be published in the State Register and given in newsletters, newspapers, or other publications, or through other means of communication.

Sec. 5. Minnesota Statutes 1994, section 14.05, subdivision 2, is amended to read:

Subd. 2. [AUTHORITY TO MODIFY PROPOSED RULE.] (a) An agency may modify a proposed rule in accordance with the procedures of the administrative procedure act. However, an agency may not modify a proposed rule so that it is substantially different from the proposed rule in the notice of intent to adopt rules or notice of hearing.

(b) A modification does not make a proposed rule substantially different if:

(1) the differences are within the scope of the matter announced in the notice of intent to adopt or notice of hearing and are in character with the issues raised in that notice;

(2) the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice; and

(3) the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.

(c) In determining whether the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question the following factors must be considered:

(1) the extent to which persons who will be affected by the rule should have understood that the rulemaking proceeding on which it is based could affect their interests;

(2) the extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of intent to adopt or notice of hearing; and

(3) the extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intent to adopt or notice of hearing.

Sec. 6. Minnesota Statutes 1994, section 14.05, is amended by adding a subdivision to read:

Subd. 5. [REVIEW AND REPEAL OF RULES.] By December 1 of each year, an agency shall submit a list of all the rules of the agency to the governor, the legislative commission to review administrative rules, and the revisor of statutes. The list must identify any rules that are obsolete and should be repealed. The list must also include an explanation of why the rule is obsolete and the agency's timetable for repeal.

Sec. 7. Minnesota Statutes 1994, section 14.06, is amended to read:

14.06 [REQUIRED RULES.]

(a) Each agency shall adopt rules, in the form prescribed by the revisor of statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public.

(b) Upon the request of any person, and as soon as feasible and to the extent practicable, each agency shall adopt rules to supersede those principles of law or policy lawfully declared by the agency as the basis for its decisions in particular cases it intends to rely on as precedents in future cases.

Sec. 8. Minnesota Statutes 1994, section 14.08, is amended to read:

14.08 [~~REVISOR OF STATUTES~~ APPROVAL OF RULE AND RULE FORM; COSTS.]

(a) Two copies of a rule adopted pursuant to ~~the provisions of section 14.26 or 14.32~~ shall be submitted by the agency to the ~~attorney-general~~ chief administrative law judge. The ~~attorney-general~~ chief administrative law judge shall send one copy of the rule to the revisor on the same day as it is submitted by the agency under section 14.26 ~~or 14.32~~. Within five days after receipt of the rule, excluding weekends and holidays, the revisor shall either return the rule with a certificate of approval of the form of the rule to the ~~attorney-general~~ chief administrative law judge or notify the ~~attorney-general~~ chief administrative law judge and the agency that the form of the rule will not be approved.

If the ~~attorney-general~~ chief administrative law judge disapproves a rule, the agency may modify it and the agency shall submit two copies of the modified rule to the ~~attorney-general~~ chief administrative law judge who shall send a copy to the revisor for approval as to form as described in this paragraph.

(b) One copy of a rule adopted after a public hearing shall be submitted by the agency to the revisor for approval of the form of the rule. Within five working days after receipt of the rule, the revisor shall either return the rule with a certificate of approval to the agency or notify the agency that the form of the rule will not be approved.

(c) If the revisor refuses to approve the form of the rule, the revisor's notice shall revise the rule so it is in the correct form.

(d) The ~~attorney-general~~ chief administrative law judge shall assess an agency for the ~~attorney-general's~~ actual cost of processing rules under this section. ~~The agency shall pay the attorney-general's assessments using the procedures of section 8.15.~~ Each agency shall include in its budget money to pay the ~~attorney-general's~~ assessments. Receipts from the assessment must be deposited in the ~~state treasury and credited to the general fund~~ administrative hearings account created in section 14.54.

Sec. 9. Minnesota Statutes 1994, section 14.09, is amended to read:

14.09 [PETITION FOR ADOPTION OF RULE.]

Any ~~interested~~ person may petition an agency requesting the adoption, ~~suspension,~~ amendment, or repeal of any rule. The petition shall be specific as to what action is requested and the need for the action. Upon receiving a petition an agency shall have 60 days in which to make a specific and detailed reply in writing as to its planned disposition of the request and the reasons for its planned disposition of the request. If the agency states its intention to hold a public hearing on the subject of the request, it shall proceed according to sections 14.05 to 14.36 ~~14.28~~. The ~~attorney-general~~ chief administrative law judge shall prescribe by rule the form for all petitions under this section and may prescribe further procedures for their submission, consideration, and disposition.

Sec. 10. [14.101] [ADVICE ON POSSIBLE RULES.]

Subdivision 1. [REQUIRED NOTICE.] In addition to seeking information by other methods

designed to reach persons or classes of persons who might be affected by the proposal, an agency, before publication of a notice of intent to adopt or a notice of hearing, shall solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by causing notice to be published in the State Register. The notice must include a description of the subject matter of the proposal, the types of groups and individuals likely to be affected, and indicate where, when, and how persons may comment on the proposal and whether and how drafts of any proposal may be obtained from the agency.

Subd. 2. [ADVISORY COMMITTEES.] Each agency may also appoint committees to comment, before publication of a notice of intent to adopt or a notice of hearing, on the subject matter of a possible rulemaking under active consideration within the agency. The membership of those committees must be published at least annually in the State Register.

Subd. 3. [EFFECT OF GOOD FAITH COMPLIANCE.] If an agency has made a good faith effort to comply with this section, a rule may not be invalidated on the grounds that the contents of this notice are insufficient or inaccurate.

Sec. 11. [14.125] [TIME LIMIT ON AUTHORITY TO ADOPT, AMEND, OR REPEAL RULES.]

An agency shall publish a notice of intent to adopt rules or a notice of hearing within 18 months of the effective date of the law authorizing or requiring rules to be adopted, amended, or repealed. If the notice is not published within the time limit imposed by this section, the authority for the rules expires. The agency shall not use other law in existence at the time of the expiration of rulemaking authority under this section as authority to adopt, amend, or repeal these rules.

An agency that publishes a notice of intent to adopt rules or a notice of hearing within the time limit specified in this section may subsequently amend or repeal the rules without additional legislative authorization.

Sec. 12. Minnesota Statutes 1994, section 14.131, is amended to read:

14.131 [STATEMENT OF NEED AND REASONABLENESS.]

Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule ~~and a fiscal note if required by section 3.982~~. The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge, and must include the following:

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

(5) the probable costs of complying with the proposed rule; and

(6) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

For rules setting, adjusting, or establishing regulatory, licensure, or other charges for goods and services, the statement of need and reasonableness must include the comments and recommendations of the commissioner of finance and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285.

The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

The agency shall send a copy of the statement of need and reasonableness to the legislative commission to review administrative rules when it becomes available for public review.

Sec. 13. Minnesota Statutes 1994, section 14.14, subdivision 1a, is amended to read:

Subd. 1a. [NOTICE OF RULE HEARING.] Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule ~~hearings~~ proceedings. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hearing, give notice of its intention to adopt rules by United States mail to all persons on its list, and by publication in the State Register. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. Each agency may, at its own discretion, also contact persons not on its list ~~and may give~~ who may be affected by the rule being proposed. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be affected by the rule being proposed by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice in the State Register must include the proposed rule or an amended rule in the form required by the revisor under section 14.07, together with a citation to the most specific statutory authority for the proposed rule, a statement of the place, date, and time of the public hearing, a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that a rule has been adopted, and other information as required by law or rule. When an entire rule is proposed to be repealed, the agency need only publish that fact, giving the citation to the rule to be repealed in the notice.

Sec. 14. Minnesota Statutes 1994, section 14.15, subdivision 3, is amended to read:

Subd. 3. [FINDING OF SUBSTANTIAL ~~CHANGE~~ DIFFERENCE.] If the report contains a finding that a rule has been modified in a way which makes it substantially different, as determined under section 14.05, subdivision 2, from that which was originally proposed, or that the agency has not met the requirements of sections 14.131 to 14.18, it shall be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves the finding of the administrative law judge, the chief administrative law judge shall advise the agency and the revisor of statutes of actions which will correct the defects. The agency shall not adopt the rule until the chief administrative law judge determines that the defects have been corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.

Sec. 15. Minnesota Statutes 1994, section 14.15, subdivision 4, is amended to read:

Subd. 4. [NEED OR REASONABLENESS NOT ESTABLISHED.] If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to ~~delay adoption longer~~ wait for the commission's advice for more than 30 60 days after the commission has received the agency's submission. Advice of the commission shall not be binding on the agency.

Sec. 16. Minnesota Statutes 1994, section 14.16, subdivision 1, is amended to read:

Subdivision 1. [REVIEW OF MODIFICATIONS.] If the report of the administrative law judge finds no defects, the agency may proceed to adopt the rule. After receipt of the administrative law judge's report, if the agency makes any modifications to the rule other than those recommended by the administrative law judge, it must return the rule to the chief administrative law judge for a review on the issue of ~~substantial change~~ whether the rule as modified is substantially different, as

determined under section 14.05, subdivision 2, from the rule as originally proposed. If the chief administrative law judge determines that the modified rule is substantially different from that which was originally proposed, the chief administrative law judge shall advise the agency of actions which will correct the defects. The agency shall not adopt the modified rule until the chief administrative law judge determines that the defects have been corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.

The agency shall give notice to all persons who requested to be informed that the rule has been adopted and filed with the secretary of state. This notice shall be given on the same day that the rule is filed.

Sec. 17. Minnesota Statutes 1994, section 14.19, is amended to read:

14.19 [DEADLINE TO COMPLETE RULEMAKING.]

The agency shall, within 180 days after issuance of the administrative law judge's report, submit its notice of adoption, amendment, ~~suspension~~, or repeal to the State Register for publication. If the agency has not submitted its notice to the State Register within 180 days, the rule is automatically withdrawn. The agency shall not adopt the withdrawn rules without again following the procedures of sections 14.05 to 14.36. It shall report to the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to adopt rules and the reasons for that failure. The 180-day time limit of this section does not include any days used for review by the chief administrative law judge, ~~the attorney general~~, or the legislative commission to review administrative rules if the review is required by law.

Sec. 18. Minnesota Statutes 1994, section 14.22, subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] Unless an agency proceeds directly to a public hearing on a proposed rule and gives the notice prescribed in section 14.14, subdivision 1a, the agency shall give notice of its intention to adopt a rule without public hearing. The notice shall be given by publication in the State Register and by United States mail to persons who have registered their names with the agency pursuant to section 14.14, subdivision 1a. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. Each agency may, at its own discretion, also contact persons not on its list who may be affected by the rule being proposed. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be affected by the rule by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice in the State Register shall include the proposed rule or the amended rule in the form required by the revisor under section 14.07, and a citation to the most specific statutory authority for the proposed rule, a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that a rule has been submitted to the chief administrative law judge, and other information as required by law or rule. When an entire rule is proposed to be repealed, the notice need only state that fact, giving the citation to the rule to be repealed in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment in support of or in opposition to the proposed rule and that comment is encouraged;

(2) that each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed;

(3) that if 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held;

(4) of the manner in which persons shall request a public hearing on the proposed rule;

(5) ~~that the name and address of the person requesting a public hearing shall be stated of the requirements contained in section 14.25 relating to a written request for a public hearing, and that the requester is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and propose any change proposed desired;~~

(6) that the proposed rule may be modified if the modifications are supported by the data and views submitted; and

(7) that if a hearing is not required, notice of the date of submission of the proposed rule to the attorney general chief administrative law judge for review will be mailed to any person requesting to receive the notice.

In connection with the statements required in clauses (1) and (3), the notice must also include the date on which the 30-day comment period ends.

Sec. 19. Minnesota Statutes 1994, section 14.23, is amended to read:

14.23 [STATEMENT OF NEED AND REASONABLENESS.]

Before the date of the section 14.22 notice, the agency shall prepare a statement of need and reasonableness which shall be available to the public. The statement of need and reasonableness must include the analysis required in section 14.131 and the comments and recommendations of the commissioner of finance, and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285. The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rules or must explain why these efforts were not made. For at least 30 days following the notice, the agency shall afford all interested persons the public an opportunity to request a public hearing and to submit data and views on the proposed rule in writing.

The agency shall send a copy of the statement of need and reasonableness to the legislative commission to review administrative rules when it becomes available to the public.

Sec. 20. Minnesota Statutes 1994, section 14.24, is amended to read:

14.24 [MODIFICATIONS OF PROPOSED RULE.]

The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change substantially different rule, as determined under section 14.05, subdivision 2, from the rule as originally proposed. An agency may adopt a substantially different rule after satisfying the rule requirements for the adoption of a substantially different rule.

Sec. 21. Minnesota Statutes 1994, section 14.25, is amended to read:

14.25 [PUBLIC HEARING REQUIRED.]

Subdivision 1. [REQUESTS FOR HEARING.] If, during the 30-day period allowed for comment, 25 or more persons submit to the agency a written request for a public hearing of the proposed rule, the agency shall proceed under the provisions of sections 14.14 to 14.20. The written request must include: (1) the name and address of the person requesting the public hearing; and (2) the portion or portions of the rule to which the person objects or a statement that the person opposes the entire rule. A notice of the public hearing must be published in the State Register and mailed to those persons who submitted a written request for the public hearing. Unless the agency has modified the proposed rule, the notice need not include the text of the proposed rule but only a citation to the State Register pages where the text appears.

A written request for a public hearing that does not comply with the requirements of this section is invalid and must not be counted by the agency for purposes of determining whether a public hearing must be held.

Subd. 2. [WITHDRAWAL OF HEARING REQUESTS.] If a request for a public hearing has been withdrawn, the agency must give written notice of that fact to all persons who have requested the public hearing. The notice must explain why the request is being withdrawn, and must include a description of any action the agency has taken or will take that affected or may have affected the decision to withdraw the request. The notice must also invite persons to submit written comments to the agency relating to the withdrawal. The notice and any written comments received by the agency is part of the rulemaking record submitted to the administrative law judge under section 14.14 or 14.26. The administrative law judge shall review the notice and any comments received and determine whether the withdrawal is consistent with section 14.001, clauses (2), (4), and (5).

Sec. 22. Minnesota Statutes 1994, section 14.26, is amended to read:

14.26 [ADOPTION OF PROPOSED RULE; SUBMISSION TO ATTORNEY GENERAL ADMINISTRATIVE LAW JUDGE.]

Subdivision 1. [SUBMISSION.] If no hearing is required, the agency shall submit to the ~~attorney general~~ an administrative law judge assigned by the chief administrative law judge the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall give notice to all persons who requested to be informed that these materials have been submitted to the ~~attorney general~~ administrative law judge. This notice shall be given on the same day that the record is submitted. If the proposed rule has been modified, the notice shall state that fact, and shall state that a free copy of the proposed rule, as modified, is available upon request from the agency. The rule and these materials shall be submitted to the ~~attorney general~~ administrative law judge within 180 days of the day that the comment period for the rule is over or the rule is automatically withdrawn. The agency shall report its failure to adopt the rules and the reasons for that failure to the legislative commission to review administrative rules, other appropriate legislative committees, and the governor.

Subd. 2. [RESUBMISSION.] Even if the 180-day period expires while the ~~attorney general~~ administrative law judge reviews the rule, if the ~~attorney general~~ administrative law judge rejects the rule, the agency may resubmit it after taking corrective action. The resubmission must occur within 30 days of when the agency receives written notice of the disapproval. If the rule is again disapproved, the rule is withdrawn. An agency may resubmit at any time before the expiration of the 180-day period. If the agency withholds some of the proposed rule, it may not adopt the withheld portion without again following the procedures of sections 14.14 to 14.28, ~~or 14.29 to 14.36~~.

Subd. 3. [REVIEW.] (a) The ~~attorney general~~ administrative law judge shall, within 14 days, approve or disapprove the rule as to its legality and its form to the extent the form relates to legality, including the ~~issue~~ issues of substantial change ~~whether the rule if modified is substantially different, as determined under section 14.05, subdivision 2, from the rule as originally proposed, and determine whether the agency has the authority to adopt the rule, and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rule within 14 days.~~ If the rule is approved, the ~~attorney general~~ administrative law judge shall promptly file two copies of it in the office of the secretary of state. The secretary of state shall forward one copy of each rule to the revisor of statutes. If the rule is disapproved, the ~~attorney general~~ administrative law judge shall state in writing the reasons and make recommendations to overcome the ~~deficiencies, and defects~~.

(b) The written disapproval must be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves of the findings of the administrative law judge, the chief administrative law judge shall send the statement of the reasons for disapproval of the rule to the agency, the legislative commission to review administrative rules, and the revisor of statutes and advise the agency and the revisor of statutes of actions that will correct the defects. The rule shall not be filed in the office of the secretary of state, nor published until the ~~deficiencies~~ chief administrative law judge determines that the defects have been overcome corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule. ~~The attorney general shall send a statement of reasons for disapproval of the rule to the agency, the chief administrative law judge, the legislative commission to review administrative rules, and to the revisor of statutes.~~

(c) If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to wait for the commission's advice for more than 60 days after the commission has received the agency's submission.

(d) The ~~attorney general~~ administrative law judge shall disregard any error or defect in the proceeding due to the agency's failure to satisfy any procedural requirements imposed by law or rule if the ~~attorney general~~ administrative law judge finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the agency has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 4. [COSTS.] The ~~attorney-general~~ office of administrative hearings shall assess an agency for the actual cost of processing rules under this section. ~~The agency shall pay the attorney general's assessments using the procedures of section 8.15.~~ Each agency shall include in its budget money to pay the ~~attorney-general's~~ assessment. Receipts from the assessment must be deposited in the ~~state treasury and credited to the general fund~~ administrative hearings account created in section 14.54.

Sec. 23. Minnesota Statutes 1994, section 14.365, is amended to read:

14.365 [OFFICIAL RULEMAKING RECORD.]

The agency shall maintain the official rulemaking record for every rule adopted pursuant to sections 14.05 to ~~14.36~~ 14.28. The record shall be available for public inspection. The record required by this section constitutes the official and exclusive agency rulemaking record with respect to agency action on or judicial review of the rule. The record shall contain:

- (1) copies of all publications in the State Register pertaining to the rule;
- (2) all written petitions, requests, submissions, or comments received by the agency; or the administrative law judge, ~~or the attorney-general~~ pertaining to the rule;
- (3) the statement of need and reasonableness for the rule, ~~if any~~;
- (4) the official transcript of the hearing if one was held, or the tape recording of the hearing if a transcript was not prepared;
- (5) the report of the administrative law judge, if any;
- (6) the rule in the form last submitted to the administrative law judge under sections 14.14 to 14.20 or first submitted to the ~~attorney-general~~ administrative law judge under sections 14.22 to 14.28;
- (7) the ~~attorney-general's~~ administrative law judge's written statement of required modifications and of approval or disapproval by the chief administrative law judge, if any;
- (8) any documents required by applicable rules of the office of administrative hearings ~~or of the attorney-general;~~
- (9) the agency's order adopting the rule;
- (10) the revisor's certificate approving the form of the rule; and
- (11) a copy of the adopted rule as filed with the secretary of state.

Sec. 24. [14.366] [PUBLIC RULEMAKING DOCKET.]

- (a) Each agency shall maintain a current, public rulemaking docket.
- (b) The rulemaking docket must contain a listing of the precise subject matter of each possible proposed rule currently under active consideration within the agency for proposal, the name and address of agency personnel with whom persons may communicate with respect to the matter, and an indication of its present status within the agency.
- (c) The rulemaking docket must list each pending rulemaking proceeding. A rulemaking proceeding is pending from the time it is begun, by publication of the notice of solicitation, the notice of intent to adopt, or notice of hearing, to the time it is terminated, by publication of a notice of withdrawal or the rule becoming effective. For each rulemaking proceeding, the docket must indicate:

- (1) the subject matter of the proposed rule;
- (2) a citation to all published notices relating to the proceeding;
- (3) where written comments on the proposed rule may be inspected;
- (4) the time during which written comments may be made;
- (5) the names of persons who have made written requests for a public hearing, where those requests may be inspected, and where and when the hearing will be held;
- (6) the current status of the proposed rule and any agency determinations with respect to the rule;
- (7) any known timetable for agency decisions or other action in the proceeding;
- (8) the date of the rule's adoption;
- (9) the date the rule was filed with the secretary of state; and
- (10) when the rule will become effective.

Sec. 25. [14.386] [PROCEDURE FOR ADOPTING EXEMPT RULES; DURATION.]

(a) A rule adopted, amended, or repealed by an agency, under a statute authorizing or requiring rules to be adopted but excluded from the rulemaking provisions of chapter 14 or from the definition of a rule, has the force and effect of law only if:

- (1) the revisor of statutes approves the form of the rule by certificate;
- (2) the office of administrative hearings approves the rule as to its legality within 14 days after the agency submits it for approval and files two copies of the rule with the revisor's certificate in the office of the secretary of state; and
- (3) a copy is published by the agency in the State Register.

(b) A rule adopted under this section is effective for a period of two years from the date of publication of the rule in the State Register. The authority for the rule expires at the end of this two-year period.

(c) The chief administrative law judge shall adopt rules relating to the rule approval duties imposed by this section and section 14.388, including rules establishing standards for review.

(d) This section does not apply to rules adopted, amended, or repealed under section 14.388.

This section also does not apply to:

- (1) rules implementing emergency powers pursuant to sections 12.31 to 12.37;
- (2) rules of agencies directly in the legislative or judicial branches;
- (3) rules of the regents of the University of Minnesota;
- (4) rules of the department of military affairs;
- (5) rules of the comprehensive health association provided in section 62E.10;
- (6) rules of the tax court provided by section 271.06;
- (7) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public;
- (8) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;

(9) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;

(10) opinions of the attorney general;

(11) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;

(12) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;

(13) the occupational safety and health standards provided in section 182.655;

(14) revenue notices and tax information bulletins of the commissioner of revenue; or

(15) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09.

Sec. 26. [14.387] [LEGAL STATUS OF EXISTING EXEMPT RULES.]

A rule adopted on or before the day following final enactment of this section, and which was not adopted under sections 14.05 to 14.36 or their predecessor provisions, does not have the force and effect of law on and after July 1, 1997, and the authority for the rule expires on that date.

This section does not apply to:

(1) rules implementing emergency powers under sections 12.31 to 12.37;

(2) rules of agencies directly in the legislative or judicial branches;

(3) rules of the regents of the University of Minnesota;

(4) rules of the department of military affairs;

(5) rules of the comprehensive health association provided in section 62E.10;

(6) rules of the tax court provided by section 271.06;

(7) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public;

(8) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;

(9) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;

(10) opinions of the attorney general;

(11) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;

(12) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;

(13) the occupational safety and health standards provided in section 182.655;

(14) revenue notices and tax information bulletins of the commissioner of revenue; or

(15) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09.

Sec. 27. [14.388] [GOOD CAUSE EXEMPTION.]

If an agency for good cause finds that the rulemaking provisions of this chapter are unnecessary, impracticable, or contrary to the public interest when adopting, amending, or repealing a rule to:

- (1) address a serious and immediate threat to the public health, safety, or welfare;
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with sections 14.14 to 14.28;
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required; or
- (4) make changes that do not alter the sense, meaning, or effect of a rule,
the agency may adopt, amend, or repeal the rule after satisfying the requirements of section 14.386, paragraph (a), clauses (1) to (3). The agency shall incorporate its findings and a brief statement of its supporting reasons in its order adopting, amending, or repealing the rule.

In review of the rule under section 14.386, the office of administrative hearings shall determine whether the agency has provided adequate justification for its use of this section.

Rules adopted, amended, or repealed under clauses (1) and (2) are effective for a period of two years from the date of publication of the rule in the State Register.

Rules adopted, amended, or repealed under clause (3) or (4) are effective upon publication in the State Register.

Sec. 28. Minnesota Statutes 1994, section 14.48, is amended to read:

14.48 [CREATION OF OFFICE OF ADMINISTRATIVE HEARINGS; CHIEF ADMINISTRATIVE LAW JUDGE APPOINTED; OTHER ADMINISTRATIVE LAW JUDGES APPOINTED.]

A state office of administrative hearings is created. The office shall be under the direction of a chief administrative law judge who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. Senate confirmation of the chief administrative law judge shall be as provided by section 15.066. The chief administrative law judge may hear cases and shall appoint additional administrative law judges and compensation judges to serve in the office as necessary to fulfill the duties prescribed in ~~sections 14.48 to 14.56~~ chapters 14 and ~~chapter~~ 176. The chief administrative law judge may delegate to a subordinate employee the exercise of a specified statutory power or duty as deemed advisable, subject to the control of the chief administrative law judge. Every delegation must be by written order filed with the secretary of state. All administrative law judges and compensation judges shall be in the classified service except that the chief administrative law judge shall be in the unclassified service, but may be removed only for cause. All administrative law judges shall have demonstrated knowledge of administrative procedures and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner. All workers' compensation judges shall be learned in the law, shall have demonstrated knowledge of workers' compensation laws and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.

Sec. 29. Minnesota Statutes 1994, section 14.51, is amended to read:

14.51 [PROCEDURAL RULES FOR HEARINGS.]

The chief administrative law judge shall adopt rules to govern: (1) the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings, contested case hearings, and workers' compensation hearings, and to govern the conduct of voluntary mediation sessions for rulemaking and contested cases other than those within the jurisdiction of the bureau of mediation services. ~~Temporary rulemaking authority is granted to the chief administrative law judge for the purpose of implementing Laws 1981, chapter 346, sections 2 to 6, 103 to 122, 127 to 135, and 141;~~ and (2) the review of rules adopted without a public hearing. The procedural rules

~~for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings the procedure to be followed when the proposed final rule of an agency is substantially different, as determined under section 14.05, subdivision 2, from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief administrative law judge to determine whether or not a new hearing is required because on the issue of substantial changes whether the proposed final rule of the agency is substantially different than that which was proposed or failure of the agency to meet the requirements of sections 14.131 to 14.18 chapter 14. The rules must also provide an expedited procedure, consistent with section 14.001, clauses (1) to (5), for the adoption of substantially different rules by agencies. Upon the chief administrative law judge's own initiative or upon written request of an interested party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.~~

Sec. 30. Minnesota Statutes 1994, section 16A.1285, subdivision 2, is amended to read:

Subd. 2. [POLICY.] Unless otherwise provided by law, specific charges falling within definitions stipulated in subdivision 1 must be set in the manner prescribed in this subdivision provided that: (1) agencies, when setting, adjusting, or authorizing any charge for goods or services that are of direct, immediate, and primary benefit to an individual, business, or other nonstate entity, shall set the charges at a level that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services; or (2) that agencies, when setting, adjusting, or establishing regulatory, licensure, or other charges that are levied, in whole or in part, in the public interest shall recover, but are not limited to, the costs involved in performance and administration of the functions involved.

In setting, adjusting, or authorizing charges that in whole or in part recover previously unrecovered costs, recovery is limited to those unrecovered costs incurred during the two fiscal years immediately preceding the setting, adjustment, or authorization.

Sec. 31. Minnesota Statutes 1994, section 17.84, is amended to read:

17.84 [DUTIES OF THE COMMISSIONER.]

Within 30 days of the receipt of the ~~notices~~ notice provided in section 17.82 ~~or 17.83~~, the commissioner shall review the agency's proposed action, shall negotiate with the agency, and shall recommend to the agency in writing the implementation either of the action as proposed or an alternative. In making recommendations, the commissioner shall follow the statement of policy contained in section 17.80. ~~If the proposed agency action is the adoption of a rule, the recommendation of the commissioner shall be made a part of the record in the rule hearing.~~ If the agency receives no response from the commissioner within 30 days, it shall be deemed a recommendation that the agency take the action as proposed.

Sec. 32. Minnesota Statutes 1994, section 43A.04, is amended by adding a subdivision to read:

Subd. 11. [TRAINING FOR AGENCY RULEMAKING STAFF.] The commissioner, in cooperation with the office of administrative hearings, the attorney general, and the revisor of statutes, shall provide training to agency staff involved in rulemaking, including training on the use of professional negotiators and mediators in rulemaking proceedings.

The commissioner may charge agency staff a registration fee for attending this training. The fee must be set at a level that permits the commissioner to recover the costs, excluding costs of staff time for staff positions funded through general fund appropriations, of providing this training.

The office of administrative hearings, the administrative rules counsel, the attorney general, and the revisor of statutes shall not assess the commissioner for the cost of staff time to conduct the training provided under this subdivision.

Sec. 33. Minnesota Statutes 1994, section 62N.05, is amended by adding a subdivision to read:

Subd. 4. [RECOVERY OF COSTS.] The provisions of section 16A.1285, subdivision 2, limiting recovery of costs to the two fiscal years immediately preceding the setting, adjustment, or authorization of fees do not apply to fees charged to entities licensed under this chapter. This subdivision expires June 30, 1999.

Sec. 34. Minnesota Statutes 1994, section 84.027, is amended by adding a subdivision to read:

Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, and to prohibit or allow importation, transportation, or possession of a wild animal; and

(2) sections 84.093, 84.14, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas.

Clause (2) does not limit or supersede the commissioner's authority to establish opening dates, days, and hours of the wild rice harvesting season under section 84.14, subdivision 3.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the legislative commission to review administrative rules, complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 35. [97A.0451] [AUTHORITY FOR USE OF EMERGENCY RULES PROCEDURE; EXPIRATION OF AUTHORITY.]

Subdivision 1. [WHEN TO USE EMERGENCY RULEMAKING.] When the commissioner is directed by statute, federal law, or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 14.14 to 14.28, or if the commissioner is expressly required or authorized by statute to adopt emergency rules, the commissioner shall adopt emergency rules in accordance with sections 97A.0451 to 97A.0459.

Subd. 2. [180-DAY TIME LIMIT.] Unless the commissioner is directed by federal law or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 97A.0451 to 97A.0459, the commissioner may not adopt an emergency rule later than 180 days after the effective date of the statutory authority, except as provided in section 84.027, subdivision 13. If emergency rules are not adopted within the time allowed, the authority for the rules expires. The time limit of this section does not include any days used for review by the attorney general. If the 180-day period expires while the attorney general is reviewing the rule and the attorney general disapproves the rule, the commissioner may resubmit the rule to the attorney general after taking corrective action. The resubmission must occur within five working days after the commissioner receives written notice of disapproval. If the rule is again disapproved by the attorney general, it is withdrawn.

Sec. 36. [97A.0452] [NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE.]

The proposed emergency rule must be published with a notice of intent to adopt emergency rules in the State Register, and the same notice must be mailed to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The notice must include a statement advising the public that a free copy of the proposed rule is available on request from the commissioner and that notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive the notice. For at least 25 days after publication the commissioner shall afford all interested persons an opportunity to submit data and views on the proposed emergency rule in writing. The notice must also include the date on which the 25-day comment period ends.

Sec. 37. [97A.0453] [NOTICE TO COMMITTEES FOR FEES FIXED BY RULE.]

Before the commissioner submits notice to the State Register of intent to adopt emergency rules that establish or adjust fees, the commissioner shall comply with section 16A.128, subdivision 2a.

Sec. 38. [97A.0454] [MODIFICATIONS OF PROPOSED EMERGENCY RULE.]

The proposed emergency rule may be modified if the modifications are supported by the data and views submitted to the commissioner.

Sec. 39. [97A.0455] [SUBMISSION OF PROPOSED EMERGENCY RULE TO ATTORNEY GENERAL.]

Subdivision 1. [SUBMISSION.] The commissioner shall submit to the attorney general the proposed emergency rule as published, with any modifications. On the same day that it is submitted, the commissioner shall mail notice of the submission to all persons who requested to be informed that the proposed emergency rule has been submitted to the attorney general. If the proposed emergency rule has been modified, the notice must state that fact, and must state that a free copy of the proposed emergency rule, as modified, is available upon request from the commissioner.

Subd. 2. [REVIEW.] The attorney general shall review the proposed emergency rule as to its legality, review its form to the extent the form relates to legality, and approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the commissioner. The attorney general shall send a statement of reasons for disapproval of the rule to the commissioner, the chief administrative law judge, the legislative commission to review administrative rules, and the revisor of statutes.

The attorney general shall disregard any error or defect in the proceeding due to the commissioner's failure to satisfy any procedural requirement imposed by law or rule if the attorney general finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the commissioner has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 3. [COSTS.] The attorney general shall assess the commissioner for the actual cost of processing rules under this section. The commissioner shall include in the department's budget money to pay the attorney general's assessment. Receipts from the assessment must be deposited in the state treasury and credited to the general fund.

Sec. 40. [97A.0456] [EFFECTIVE DATE OF EMERGENCY RULE.]

The emergency rule takes effect five working days after approval by the attorney general. The attorney general shall file two copies of the approved emergency rule with the secretary of state. The secretary of state shall forward one copy of each approved and filed emergency rule to the revisor of statutes. Failure of the attorney general to approve or disapprove a proposed emergency rule within ten working days is approval.

Sec. 41. [97A.0457] [PUBLICATION OF APPROVAL.]

As soon as practicable, notice of the attorney general's decision must be published in the State Register and the adopted rule must be published in the manner as provided for adopted rules in section 14.18.

Sec. 42. [97A.0458] [EFFECTIVE PERIOD OF EMERGENCY RULE.]

Emergency rules adopted under sections 97A.0451 to 97A.0459 shall be effective for the period stated in the notice of intent to adopt emergency rules which may not be longer than 180 days. The emergency rules may be continued in effect for an additional period of up to 180 days if the commissioner gives notice of continuation by publishing notice in the State Register and mailing the same notice to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The continuation is not effective until these notices have been mailed. No emergency rule may remain in effect on a date 361 days after its original effective date. The emergency rules may not be continued in effect after 360 days without following the procedure of sections 14.14 to 14.28.

Sec. 43. [97A.0459] [APPROVAL OF FORM OF EMERGENCY RULE.]

No approved emergency rule shall be filed with the secretary of state or published in the State Register unless the revisor of statutes has certified that the emergency rule's form is approved.

Sec. 44. [APPROPRIATION.]

(a) \$35,000 is appropriated from the general fund to the administrative hearings account in Minnesota Statutes, section 14.54, for the purposes of section 45. The appropriation is available until spent. The approved complement of the office of administrative hearings is increased by three positions in the classified service.

(b) The office of the attorney general shall transfer \$15,000 in fiscal year 1996 to the office of administrative hearings.

(c) \$78,000 is appropriated from the general fund to the legislative commission to review administrative rules for fiscal year 1996.

Sec. 45. [TRANSFER OF RULE REVIEW AUTHORITY.]

(a) The rule review duties of the office of the attorney general are transferred to the office of administrative hearings on January 1, 1996. Minnesota Statutes, section 15.039, does not apply to this transfer.

(b) Proposed rules for which a notice under Minnesota Statutes, section 14.22 or 14.30, has been published in the State Register before January 1, 1996, shall continue to be reviewed by the attorney general under the rule review authority transferred by this act and are governed by Minnesota Statutes 1994, chapter 14, and Minnesota Rules, chapter 2010.

(c) Except as otherwise provided in paragraph (b), Minnesota Rules, chapter 2010, shall be enforced by the office of administrative hearings until it is amended or repealed by that office.

Sec. 46. [REVISOR INSTRUCTION.]

The revisor of statutes shall correct or remove the references in Minnesota Statutes and Minnesota Rules to the statutory sections repealed in this act.

The revisor of statutes shall change the terms "office of attorney general," "attorney general," or similar terms to "office of administrative hearings," "chief administrative law judge," "administrative law judge," or similar terms in Minnesota Rules, chapter 2010, to reflect the intent of the legislature to transfer the attorney general's rule review functions in the manner provided in this act.

Sec. 47. [REPEALER.]

(a) Minnesota Statutes 1994, sections 3.846; 14.12; 14.1311; and 14.235, are repealed.

(b) Minnesota Statutes 1994, sections 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; and 14.36, are repealed.

(c) Minnesota Statutes 1994, sections 14.10, 14.11; 14.115; and 17.83, are repealed.

Sec. 48. [EFFECTIVE DATE.]

Sections 1 to 4; 6; 7; 10; 15; 26; 31; 47, paragraph (c); and the rulemaking authority granted in sections 25 and 29 are effective the day following final enactment. Section 11 applies to laws authorizing or requiring rulemaking that are finally enacted after January 1, 1996. Section 30 is effective for costs incurred after June 30, 1995. Section 44 is effective July 1, 1995. The remainder of the act is effective January 1, 1996."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred

S.F. No. 1103: A bill for an act relating to children's services; establishing the department of children, families, and learning; making related changes; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 119A; repealing Minnesota Statutes 1994, sections 121.02, subdivisions 1, 2a, and 3; 121.03; and 121.04, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after the period, insert "The employees of the department of education are transferred to the department of children, families, and learning under section 15.039, subdivision 7."

Page 1, line 19, after "state" insert "funded and locally"

Page 2, after line 23, insert:

"Subd. 4. [LOCAL GRANTEE.] "Local grantee" means a local unit of government or an agency or organization that receives funds under section 119A.04."

Page 2, line 27, before the period, insert "with the advice and consent of the senate"

Page 3, line 33, delete everything after the first period

Page 3, delete lines 34 to 36

Page 4, delete lines 1 to 3

Page 4, line 4, delete everything before the headnote

Page 4, line 7, delete ", subdivisions 1 to 6"

Page 4, line 26, delete "3" and insert "2"

Page 4, line 29, delete the third comma

Page 4, line 30, delete "subdivisions 1 to 6"

Page 6, line 16, delete "4" and insert "3"

Page 6, line 19, delete the third comma

Page 6, line 20, delete "subdivisions 1 to 6"

Page 7, line 10, delete "5" and insert "4"

Page 7, lines 14, 26, and 31, delete ", subdivisions 1 to 6"

Page 7, line 23, delete "6" and insert "5"

Page 7, line 28, delete "7" and insert "6"

Page 8, line 5, delete "include or"

Page 8, line 6, delete "local"

Page 8, line 8, after the period, insert "County boards, school boards, or governing boards of other grantees may elect not to consolidate funding for a program."

Page 8, line 9, before "The" insert "For grantees electing consolidation,"

Page 8, line 16, after the period, insert "Funding to a local grantee must be determined according to the funding formulas or allocation rules governing the individual programs listed in section 119A.04."

Page 8, line 29, after "participation" insert "by counties and schools"

Page 9, line 4, after "a" insert "description of the" and delete "mechanism" and insert "structure"

Page 9, line 15, delete "contract" and insert "written agreement" and delete the comma and insert "and"

Page 9, line 16, delete everything before "setting" and insert "grantees"

Page 9, line 19, delete "COLLABORATION" and insert "GEOGRAPHIC AREA"

Page 9, line 20, delete "a county area,"

Page 9, line 21, delete "or" and before the period, insert ", or, with the approval of the county board and commissioner, a subcounty area"

Page 10, line 8, delete "local government" and insert "county boards, school boards"

Page 12, line 15, delete "11" and insert "13"

Page 12, after line 20, insert:

"Sec. 10. [WORKER PROVISIONS.]

Subdivision 1. [LEGISLATIVE FINDINGS.] The legislature finds that the reorganization of state agencies, including the abolishment of agencies or their functions and the merger of agency functions to the extent possible, makes the best use of affected agency employees and improves the direct service capabilities of state employees to provide public services to citizens of the state and to customers of the agency. To assure that quality services are delivered to citizens of Minnesota, appointing authorities shall comply with this section.

Subd. 2. [RESTRUCTURING PROVISIONS.] The restructuring of agencies required by this act must be conducted in accordance with Minnesota Statutes, sections 15.039 and 43A.045.

Subd. 3. [WORKER PARTICIPATION COMMITTEES.] (a) After the commissioner-designate of children, families, and learning has been appointed, before the restructuring of executive branch agencies under this act, a labor and management committee including representatives of employees and employers must be established and given adequate time to perform the activities prescribed by paragraph (b). Each exclusive representative of employees shall select a committee member from each of its bargaining units in each affected agency. The head of each agency shall select an employee member from each unit of employees not represented by an exclusive representative. The agency head shall also appoint one or more committee members to represent the agency. The number of members appointed by the agency head, however, may not exceed the total number of members selected by exclusive representatives. The labor and management committee must be participatory and nonauthoritarian. Exclusive representatives must be directly involved in the work of the committee.

(b) The committee established under paragraph (a) shall:

(1) in cooperation with the commissioner of education and the commissioner-designate, review and reevaluate the powers and duties of the department of education and identify those that are consistent with the purpose and goals of the department of children, families, and learning;

(2) identify tasks related to agency reorganization and adopt plans for addressing those tasks;

(3) identify other employer and employee issues related to reorganization and adopt plans for addressing those issues;

(4) adopt plans for implementing this act, including detailed plans for providing retraining for affected employees; and

(5) guide the implementation of the reorganization.

Subd. 4. [EMPLOYEE JOB SECURITY.] The head of an agency that is scheduled to be restructured shall meet and negotiate with the exclusive representatives of affected employees of the agency in the event that employees are at risk of being laid off due to restructuring or significant change in the activities of the agency. Bargaining under this subdivision must have as its purpose the achievement of the highest possible degree of public service delivery to the citizens of Minnesota and the provision of appropriate incentives to state employees. Incentives may include, but are not limited to, early retirement incentives, negotiated options in place of layoff, methods to mitigate layoffs and the effect of layoffs, job training and retraining opportunities, and enhanced severance.

Subd. 5. [EMPLOYEE TRAINING AND RETRAINING.] The legislature recognizes that a well-trained and well-educated work force is needed to provide effective and efficient public service delivery and that training and retraining of state employees is a priority when merger and reorganization of state agencies occur. The labor and management committee required by subdivision 3 shall determine the employee training and retraining required because of agency reorganization. Employees whose job duties are affected by reorganization must be given the opportunity to take part in training or retraining for the new job duties. Existing employees must be trained or retrained for agency positions before new hiring takes place.

Sec. 11. [APPOINTMENT; TRANSFERS OF EDUCATION FUNCTIONS.]

By July 1, 1995, the governor shall appoint a commissioner-designate of the department of children, families, and learning. The person appointed becomes the governor's appointee as commissioner on the effective date of Minnesota Statutes, sections 119A.01, subdivision 2, and 119A.03. The commissioner-designate, in cooperation with the commissioner of education, shall review and reevaluate the powers and duties of the department of education and identify those that are consistent with the purpose and goals of the department of children, families, and learning. The functions identified by the commissioner-designate are transferred to the department of children, families, and learning under Minnesota Statutes, section 15.039, effective October 1, 1995."

Page 12, line 30, delete "10" and insert "12"

Page 12, line 31, delete "Section" and insert "Sections" and delete "is" and insert "and 10 (Worker Provisions) are" and after the period, insert "Section 11 (Appointment; Transfers of Education Functions) is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Family Services.
Amendments adopted. Report adopted.

Messrs. Pogemiller and Stumpf from the Committee on Education, to which was referred

S.F. No. 418: A bill for an act relating to education; authorizing special projects and programs to combat truancy; denying driving privileges for certain truant students; imposing parental liability for truant behavior and for failure to exercise reasonable control; requiring the attorney general to report on the effectiveness of school safety programs; increasing school levy authority for crime prevention activities; requiring school districts to adopt gun-free policies; providing a fee exception for school uniforms; requiring criminal history background checks for teachers; clarifying authority to deny teacher licenses; modifying reporting requirements; modifying offender rehabilitation exceptions; providing for school security; clarifying access to data; limiting school liability for certain security measures; establishing grants for school safety programs; imposing penalties; appropriating money; amending Minnesota Statutes 1994, sections 120.101, subdivision 1; 120.14; 120.73, by adding a subdivision; 124.912, subdivision 6; 125.05, by adding a subdivision; 125.09, subdivision 1; 127.20; 171.04, subdivision 1; 260.131, by adding a subdivision; 260.132, subdivisions 1 and 4; 260.161, subdivision 3; 260.191, subdivision 1; 260.315; 299A.33, subdivision 3; 364.09; 466.03, by adding a subdivision; and 609.605, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 8; 123; and 127; proposing coding for new law as Minnesota Statutes, chapter 260A; repealing Minnesota Statutes 1994, section 126.25; and Laws 1994, chapter 576, section 1.

Report the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRUANCY

Section 1. Minnesota Statutes 1994, section 120.14, is amended to read:

120.14 [ATTENDANCE OFFICERS.]

The board of any district may authorize the employment of attendance officers, who shall investigate truancy or nonattendance at school, make complaints, serve notice and process, and attend to the enforcement of all laws and district rules regarding school attendance. When any attendance officer learns of any case of habitual truancy or continued nonattendance of any child required to attend school the officer shall immediately notify the person having control of such child to forthwith send to and keep the child in school. The attendance officer or designee shall send or convey the notice required by section 260A.03 for a child who is a continuing truant. The officer shall act under the general supervision of the district superintendent.

Sec. 2. Minnesota Statutes 1994, section 171.04, subdivision 1, is amended to read:

Subdivision 1. [PERSONS NOT ELIGIBLE.] The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through the public schools, or, in the case of a course offered by a private, commercial driver education school or institute, by the department of public safety; except when such person has completed a course of driver education in another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant,

otherwise the parent or spouse of the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless the application therefor is approved by the person's employer. Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering driver education courses may charge an enrollment fee for the driver education course which shall not exceed the actual cost thereof to the public school and the school district. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act;

(3) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act and if otherwise qualified;

(4) To any person who is a drug dependent person as defined in section 254A.02, subdivision 5;

(5) To any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the provisions of the Minnesota no-fault automobile insurance act of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

(9) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

(10) To a child for whom a court has ordered denial of driving privileges under section 260.191, subdivision 1, or 260.195, subdivision 3a, until the period of denial is completed; or

(11) To any person whose license has been canceled, during the period of cancellation.

Sec. 3. Minnesota Statutes 1994, section 260.131, is amended by adding a subdivision to read:

Subd. 1b. [CHILD IN NEED OF PROTECTION OR SERVICES; HABITUAL TRUANT.] If there is a county attorney mediation program operating in the child's school district, a petition alleging that a child is in need of protection or services as a habitual truant under section 260.015, subdivision 2a, clause (2), may not be filed until the applicable procedures under section 260A.05 have been exhausted.

Sec. 4. Minnesota Statutes 1994, section 260.132, subdivision 1, is amended to read:

Subdivision 1. [NOTICE.] When a peace officer, or attendance officer in the case of a habitual truant, has probable cause to believe that a child:

(1) is in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12);

(2) is a juvenile petty offender; or

(3) has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult;

the officer may issue a notice to the child to appear in juvenile court in the county in which the child is found or in the county of the child's residence or, in the case of a juvenile petty offense, or a petty misdemeanor or misdemeanor delinquent act, the county in which the offense was committed. If there is a county attorney mediation program operating in the child's school district, a notice to appear in juvenile court for a habitual truant may not be issued until the applicable procedures under section 260A.05 have been exhausted. The officer shall file a copy of the notice to appear with the juvenile court of the appropriate county. If a child fails to appear in response to the notice, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Sec. 5. Minnesota Statutes 1994, section 260.132, subdivision 4, is amended to read:

Subd. 4. [TRUANT.] When a peace officer or probation officer has probable cause to believe that a child is currently under age 16 and absent from school without lawful excuse, the officer may transport the child to the child's home and deliver the child to the custody of the child's parent or guardian, transport the child to the child's school of enrollment and deliver the child to the custody of a school superintendent or teacher or transport the child to a truancy service center under section 260A.04, subdivision 3. ~~For purposes of this subdivision, a truancy service center is a facility that receives truant students from peace officers or probation officers and takes appropriate action including one or more of the following:~~

- ~~(1) assessing the truant's attendance situation;~~
- ~~(2) assisting in coordinating intervention efforts where appropriate;~~
- ~~(3) contacting the parents or legal guardian of the truant and releasing the truant to the custody of the parent or guardian; and~~
- ~~(4) facilitating the truant's earliest possible return to school.~~

Sec. 6. Minnesota Statutes 1994, section 260.191, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] (a) If the court finds that the child is in need of protection or services or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

- (1) place the child under the protective supervision of the local social services agency or child-placing agency in the child's own home under conditions prescribed by the court directed to the correction of the child's need for protection or services;
- (2) transfer legal custody to one of the following:
 - (i) a child-placing agency; or
 - (ii) the local social services agency.

In placing a child whose custody has been transferred under this paragraph, the agencies shall follow the order of preference stated in section 260.181, subdivision 3;

(3) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails or is unable to provide this treatment or care, the court may order it provided. The court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) If the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;

(3) subject to the court's supervision, transfer legal custody of the child to one of the following:

(i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or

(ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license or instruction permit be canceled, the court may ~~recommend to order the~~ commissioner of public safety ~~that to cancel the child's license be canceled or permit for any~~ period up to the child's 18th birthday. If the child does not have a driver's license or permit, the court may order a denial of driving privileges for any period up to the child's 18th birthday. The court shall forward an order issued under this clause to the commissioner is authorized to, who shall cancel the license or permit or deny driving privileges without a hearing for the period specified by the court. At any time before the expiration of the period of cancellation or denial, the court may, for good cause, recommend to order the commissioner of public safety that to allow the child be authorized to apply for a new license or permit, and the commissioner may shall so authorize; or

(8) order that the child's parent or legal guardian deliver the child to school at the beginning of each school day for a period of time specified by the court; or

(9) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

(c) If a child is adjudicated in need of protection or services because the child is a habitual truant and truancy procedures involving the child were previously dealt with by a county attorney mediation program under section 260A.05, the court shall order a cancellation or denial of driving privileges under paragraph (b), clause (7), until the child's 18th birthday.

Sec. 7. [260A.01] [TRUANCY PROGRAMS AND SERVICES.]

The programs in this chapter are designed to provide a continuum of intervention and services

to support families and children in keeping children in school and combating truancy and educational neglect. School districts, county attorneys, and law enforcement may establish the programs and coordinate them with other community-based truancy services in order to provide the necessary and most effective intervention for children and their families. This continuum of intervention and services involves progressively intrusive intervention, beginning with strong service-oriented efforts at the school and community level and involving the court's authority only when necessary.

Sec. 8. [260A.02] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definition in this section applies to this chapter.

Subd. 2. [CONTINUING TRUANT.] "Continuing truant" means a child who is subject to the compulsory instruction requirements of section 120.101 and is absent from instruction in a school, as defined in section 120.05, without valid excuse within a single school year for:

(1) three days if the child is in elementary school; or

(2) four or more class periods on three days if the child is in middle school, junior high school, or high school.

Nothing in this section shall prevent a school district from notifying a truant child's parent or legal guardian of the child's truancy or otherwise addressing a child's attendance problems prior to the child becoming a continuing truant.

Sec. 9. [260A.03] [NOTICE TO PARENT OR GUARDIAN WHEN CHILD IS A CONTINUING TRUANT.]

Upon a child's initial classification as a continuing truant, the school attendance officer or other designated school official shall notify the child's parent or legal guardian, by first-class mail or other reasonable means, of the following:

(1) that the child is truant;

(2) that the parent or guardian should notify the school if there is a valid excuse for the child's absences;

(3) that the parent or guardian is obligated to compel the attendance of the child at school pursuant to section 120.101 and parents or guardians who fail to meet this obligation may be subject to prosecution under section 127.20;

(4) that this notification serves as the notification required by section 127.20;

(5) that alternative educational programs and services may be available in the district;

(6) that the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;

(7) that if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under chapter 260;

(8) that if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to section 260.191; and

(9) that it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

Sec. 10. [260A.04] [COMMUNITY-BASED TRUANCY PROJECTS AND SERVICE CENTERS.]

Subdivision 1. [ESTABLISHMENT.] (a) Community-based truancy projects and service centers may be established to:

(1) provide for identification of students with school attendance problems;

(2) facilitate the provision of services geared to address the underlying issues that are contributing to a student's truant behavior; and

(3) provide facilities to receive truant students from peace officers and probation officers.

(b) Truancy projects and service centers may provide any of these services and shall provide for referral of children and families to other appropriate programs and services.

Subd. 2. [COMMUNITY-BASED ACTION PROJECTS.] Schools, community agencies, law enforcement, parent associations, and other interested groups may cooperate to provide coordinated intervention, prevention, and educational services for truant students and their families. Services may include:

(1) assessment for underlying issues that are contributing to the child's truant behavior;

(2) referral to other community-based services for the child and family, such as individual or family counseling, educational testing, psychological evaluations, tutoring, mentoring, and mediation;

(3) transition services to integrate the child back into school and to help the child succeed once there;

(4) culturally sensitive programming and staffing; and

(5) increased school response, including in-school suspension, better attendance monitoring and enforcement, after-school study programs, and in-service training for teachers and staff.

Subd. 3. [TRUANCY SERVICE CENTERS.] (a) Truancy service centers may be established as facilities to receive truant students from peace officers and probation officers and provide other appropriate services. A truancy service center may:

(1) assess a truant student's attendance situation, including enrollment status, verification of truancy, and school attendance history;

(2) assist in coordinating intervention efforts where appropriate, including checking with juvenile probation and children and family services to determine whether an active case is pending and facilitating transfer to an appropriate facility, if indicated; and evaluating the need for and making referral to a health clinic, chemical dependency treatment, protective services, social or recreational programs, or other school or community-based services and programs described in subdivision 2;

(3) contact the parents or legal guardian of the truant student and release the truant student to the custody of the parents or guardian; and

(4) facilitate the student's earliest possible return to school.

(b) Truancy service centers may not accept:

(1) juveniles taken into custody for criminal violations;

(2) intoxicated juveniles;

(3) ill or injured juveniles; or

(4) juveniles older than mandatory school attendance age.

(c) Truancy service centers may expand their service capability in order to receive curfew violators and take appropriate action, such as coordination of intervention efforts, contacting parents, and developing strategies to ensure that parents assume responsibility for their children's curfew violations.

Sec. 11. [260A.05] [COUNTY ATTORNEY TRUANCY MEDIATION PROGRAM.]

Subdivision 1. [ESTABLISHMENT; REFERRALS.] A county attorney may establish a truancy mediation program for the purpose of resolving truancy problems without court action. A

student may be referred to the county attorney by the school district or law enforcement if the student continues to be truant after the parent or guardian has been sent or conveyed the notice under section 260A.03.

Subd. 2. [MEETING; NOTICE.] The county attorney may request the parent or legal guardian and the child referred under subdivision 1 to attend a meeting in the county attorney's office to discuss the possible legal consequences of the minor's truancy. The notice of the meeting must be served personally or by certified mail at least five days before the meeting on each person required to attend the meeting. The notice must include:

(1) the name and address of the person to whom the notice is directed;

(2) the date, time, and place of the meeting;

(3) the name of the minor classified as a truant;

(4) the basis for the referral to the county attorney; and

(5) a warning that a criminal complaint may be filed against the parents or guardians pursuant to section 127.20 for failure to compel the attendance of the minor at school or that action may be taken in juvenile court.

Subd. 3. [PROCEDURE.] At the beginning of the meeting under this section, the county attorney shall advise the parents or guardians and the child that any statements they make could be used against them in subsequent court proceedings. After the meeting the county attorney may file a petition or issue a citation under chapter 260 if the county attorney determines that available community resources cannot resolve the truancy problem, or if the student or the parent or guardian fail to cooperate or respond to services provided or to the directives of the school or the county attorney.

Sec. 12. [TRUANCY REDUCTION GRANT PILOT PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] A truancy reduction grant pilot program is established to help school districts, county attorneys, and law enforcement officials work collaboratively to improve school attendance and to reduce truancy.

Subd. 2. [EXPECTED OUTCOMES.] Grant recipients shall use the funds for programs designed to assist truant students and their families in resolving attendance problems without court intervention. Recipient programs must be designed to reduce truancy and educational neglect, and improve school attendance rates, by:

(1) providing early intervention and a continuum of intervention;

(2) supporting parental involvement and responsibility in solving attendance problems;

(3) working with students, families, school personnel, and community resources to provide appropriate services that address the underlying causes of truancy; and

(4) providing a speedy and effective alternative to juvenile court intervention in truancy cases.

Subd. 3. [GRANT ELIGIBILITY, APPLICATIONS, AND AWARDS.] A county attorney, together with a school district or group of school districts and law enforcement, may apply for a truancy reduction grant. The commissioner of public safety, in collaboration with the commissioner of education, shall prescribe the form and manner of applications by July 1, 1995, and shall award grants to applicants likely to meet the outcomes in subdivision 2. Grants must be awarded for the implementation of programs in the 1995-96 school year. At minimum, each applicant group must have a plan for implementing an early intervention truancy program at the school district or building level, as well as a county attorney truancy mediation program under section 11.

Subd. 4. [EVALUATION.] The attorney general shall make a preliminary report on the effectiveness of the pilot programs as part of its 1996 annual report under article 2, section 1, and a final report as part of its 1997 annual report under article 2, section 1.

Sec. 13. [APPROPRIATIONS.]

Subdivision 1. [TRUANCY REDUCTION PILOT PROGRAMS.] \$..... is appropriated from the general fund in fiscal year 1996 to the commissioner of public safety for the purpose of making grants for truancy reduction pilot programs under section 12.

Subd. 2. [TRUANCY SERVICE CENTERS.] \$..... is appropriated from the general fund in fiscal year 1996 to the commissioner of public safety to make grants to local law enforcement jurisdictions to develop three truancy service centers under Minnesota Statutes, section 260A.04. Applicants must provide a one-to-one funding match. If the commissioner has received applications from fewer than three counties by the application deadline, the commissioner may make unallocated funds from this appropriation available to an approved grantee that can provide the required one-to-one funding match for the additional funds.

Sec. 14. [REPEALER.]

Minnesota Statutes 1994, section 126.25, is repealed.

Laws 1994, chapter 576, section 1, is repealed.

ARTICLE 2

SCHOOL SAFETY

Section 1. [8.36] [ANNUAL REPORT ON SCHOOL SAFETY.]

On or before January 15 of each year, the attorney general shall prepare a report on safety in secondary and post-secondary schools. The report must include an assessment and evaluation of the impact of existing laws and programs on school safety and antiviolenace and include recommendations for changes in law or policy that would increase the safety of schools and curb violence. The report must be submitted to the chairs of the senate and house of representatives committees with jurisdiction over education and crime issues.

Sec. 2. Minnesota Statutes 1994, section 120.73, is amended by adding a subdivision to read:

Subd. 2b. [SCHOOL UNIFORMS.] Notwithstanding section 120.74, a school board may require students to furnish or purchase clothing that constitutes a school uniform if the board has adopted a uniform requirement or program for the student's school. In adopting a uniform requirement, the board shall promote student, staff, parent, and community involvement in the program and account for the financial ability of students to purchase uniforms.

Sec. 3. [123.953] [SCHOOL DISTRICT EMPLOYEES; BACKGROUND CHECKS.]

Subdivision 1. [BACKGROUND CHECK REQUIRED.] A school district shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all individuals who are offered employment in the school district. In order to be eligible for employment, an individual who is offered employment must provide an executed criminal history consent form and a money order or cashier's check payable to the bureau of criminal apprehension for the fee for conducting the criminal history background check. A school district may charge a person offered employment an additional fee of up to \$2 to cover the school district's costs under this section. The superintendent shall perform the background check by retrieving criminal history data maintained in the criminal justice information system computers.

Subd. 2. [CONDITIONAL HIRING; DISCHARGE.] A school district may hire an individual pending completion of a background check under subdivision 1 but shall notify the individual that the individual's employment may be terminated based on the result of the background check. A school district is not liable for failing to hire or for terminating an individual's employment based on the result of a background check under this section.

Sec. 4. Minnesota Statutes 1994, section 125.05, is amended by adding a subdivision to read:

Subd. 8. [BACKGROUND CHECKS.] (a) The board of teaching and the state board of education shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all applicants for initial licenses under their jurisdiction. An application for a license under this section must be accompanied by:

(1) an executed criminal history consent form, including fingerprints; and

(2) a money order or cashier's check payable to the bureau of criminal apprehension for the fee for conducting the criminal history background check, plus an additional fee of \$2 payable to the board of teaching or the state board of education, as applicable.

(b) The superintendent of the bureau of criminal apprehension shall perform the background check required under paragraph (a) by retrieving criminal history data maintained in the criminal justice information system computers and shall also conduct a search of the national criminal records repository, including the criminal justice data communications network. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost to the bureau of a background check through the fee charged to the applicant under paragraph (a).

Sec. 5. Minnesota Statutes 1994, section 125.09, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS FOR REVOCATION, SUSPENSION, OR DENIAL.] The board of teaching or the state board of education, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the school board employing a teacher, ~~or of a teacher organization, or of any other interested person,~~ which complaint shall specify the nature and character of the charges, refuse to issue, refuse to renew, suspend, or revoke such a teacher's license to teach for any of the following causes:

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of the teacher's contract;
- (3) Gross inefficiency or willful neglect of duty; or
- (4) Failure to meet licensure requirements; or
- (5) Fraud or misrepresentation in obtaining a license.

For purposes of this subdivision, the board of teaching is delegated the authority to suspend or revoke coaching licenses under the jurisdiction of the state board of education.

Sec. 6. [127.282] [EXPULSION FOR POSSESSION OF FIREARM.]

Notwithstanding the time limitation in section 127.27, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.

Sec. 7. [127.47] [SCHOOL LOCKER POLICY.]

Subdivision 1. [POLICY.] It is the policy of the state of Minnesota that:

"School lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school authorities have reasonable grounds to suspect that the search will uncover evidence of a violation of law or school rules."

Subd. 2. [DISSEMINATION.] The locker policy must be disseminated to parents and students in the way that other policies of general application to students are disseminated. A copy of the policy must be provided to a student the first time after the policy is effective that the student is given the use of a locker.

Sec. 8. Minnesota Statutes 1994, section 260.161, subdivision 3, is amended to read:

Subd. 3. [PEACE OFFICER RECORDS OF CHILDREN.] (a) Except for records relating to an offense where proceedings are public under section 260.155, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept

separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 126.036, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, or (5) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 4, and 10. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.

(c) A photograph may be taken of a child taken into custody pursuant to section 260.165, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not a minor traffic offense under section 260.193.

(e) A law enforcement agency shall notify the principal or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 1b, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult, regardless of whether the victim is a student or staff member of the school.

A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. Notwithstanding section 138.17, data from a notice received from a law enforcement agency under this paragraph must be destroyed when the juvenile graduates from the school or at the end of the academic year when the juvenile reaches age 23, whichever date is earlier. For purposes of this paragraph, "school" means a public or private elementary, middle, or secondary school.

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile

prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.

(g) Upon request of a local social service agency, peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated to the agency to promote the best interests of the subject of the data.

Sec. 9. Minnesota Statutes 1994, section 260.315, is amended to read:

260.315 [CONTRIBUTING TO NEED FOR PROTECTION OR SERVICES OR DELINQUENCY; PARENT'S DUTY TO EXERCISE CONTROL.]

(a) Any person who by act, word, or omission encourages, causes, or contributes to the need for protection or services or delinquency of a child, or to a child's status as a juvenile petty offender, is guilty of a misdemeanor. This section does not apply to licensed social service agencies and outreach workers who, while acting within the scope of their professional duties, provide services to runaway children.

(b) A parent or legal guardian to any person under the age of 18 years has the duty to exercise reasonable care, supervision, protection, and control over the minor child. This duty requires a good faith effort by a parent or legal guardian to exercise this care, supervision, protection, and control. A parent or legal guardian grossly negligent in carrying out this duty is guilty of a misdemeanor.

Sec. 10. Minnesota Statutes 1994, section 364.09, is amended to read:

364.09 [EXCEPTIONS.]

(a) This chapter does not apply to the licensing process for peace officers; to law enforcement agencies as defined in section 626.84, subdivision 1, paragraph (h); to fire protection agencies; to eligibility for a private detective or protective agent license; to eligibility for a family day care license, a family foster care license, or a home care provider license; to eligibility for school bus driver endorsements; or to eligibility for special transportation service endorsements. This chapter also shall not apply to ~~eligibility for a license issued or renewed by the board of teaching or state board of education~~ or to eligibility for juvenile corrections employment, where the offense involved child physical or sexual abuse or criminal sexual conduct.

(b) This chapter does not apply to a school district or to eligibility for a license issued or renewed by the board of teaching or the state board of education.

(c) Nothing in this section precludes the Minnesota police and peace officers training board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

Sec. 11. Minnesota Statutes 1994, section 466.03, is amended by adding a subdivision to read:

Subd. 18. [SCHOOL BUILDING SECURITY.] Any claim based on injury arising out of a decision by a school or school district to obtain a fire code variance for purposes of school building security, if the decision was made in good faith and in accordance with applicable law governing variances.

Sec. 12. Minnesota Statutes 1994, section 609.605, subdivision 4, is amended to read:

Subd. 4. [TRESPASSES ON SCHOOL PROPERTY.] (a) It is a misdemeanor for a person to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless the person:

(1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;

(2) has permission or an invitation from a school official to be in the building;

(3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or

(4) has reported the person's presence in the school building in the manner required for visitors to the school.

(b) It is a gross misdemeanor for a group of three or more persons to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless one of the persons:

(1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;

(2) has permission or an invitation from a school official to be in the building;

(3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or

(4) has reported the person's presence in the school building in the manner required for visitors to the school.

(c) It is a misdemeanor for a person to enter or be found on school property within six months after being told by the school principal or the principal's designee to leave the property and not to return, unless the principal or the principal's designee has given the person permission to return to the property. As used in this paragraph, "school property" has the meaning given in section 152.01, subdivision 14a, clauses (1) and (3).

(e) (d) A school principal or a school employee designated by the school principal to maintain order on school property, who has reasonable cause to believe that a person is violating this subdivision may detain the person in a reasonable manner for a reasonable period of time pending the arrival of a peace officer. A school principal or designated school employee is not civilly or criminally liable for any action authorized under this paragraph if the person's action is based on reasonable cause.

(d) (e) A peace officer may arrest a person without a warrant if the officer has probable cause to believe the person violated this subdivision within the preceding four hours. The arrest may be made even though the violation did not occur in the peace officer's presence.

Sec. 13. [APPROPRIATIONS.]

Subdivision 1. [SCHOOL LIAISON OFFICERS.] \$..... is appropriated from the general fund in fiscal year 1996 to the commissioner of public safety for the purpose of making grants to local law enforcement agencies for law enforcement officers assigned to schools. The grants may be used to expand the assignment of law enforcement officers to middle school and junior high schools or to fund new positions in high schools that do not currently have a law enforcement officer assigned to them. The grants may be used to provide the local share required for eligibility for federal funding for these positions. The amount of the state grant must be matched by at least an equal amount of money from nonstate sources.

Subd. 2. [STUDENT IDENTIFICATION SYSTEM.] \$..... is appropriated from the general fund in fiscal year 1996 to the commissioner of public safety for the purpose of providing grants to a school district for a photographic identification system for school district staff and junior and senior high school students. The amount of the state grant must be matched by at least an equal amount of money from nonstate sources.

Subd. 3. [DRUG ABUSE RESISTANCE EDUCATION.] \$..... is appropriated from the general fund in fiscal year 1996 to the commissioner of public safety for the purpose of making grants under Minnesota Statutes, section 299A.33, subdivision 1.

Subd. 4. [SCHOOL UNIFORM PROGRAM.] \$..... is appropriated from the general fund in fiscal year 1996 to the commissioner of public safety for the purpose of making grants to school districts for implementation of a school uniform program. The amount of the state grant must be matched by at least an equal amount of money from nonstate sources.

Subd. 5. [CONFLICT RESOLUTION AND PEER MEDIATION.] \$..... is appropriated from the general fund in fiscal year 1996 to the commissioner of public safety for the purpose of making incentive grants to school districts to encourage the development and enhancement of conflict resolution and peer mediation programs for students.

Subd. 6. [ALTERNATIVE PROGRAMMING FOR RISK STUDENTS.] \$..... is appropriated from the general fund in fiscal year 1996 to the commissioner of education for the purpose of making a grant to a school district for alternative programming for at-risk and in-risk students.

Sec. 14. [REPEALER.]

Section 1 is repealed effective August 1, 1997.

Sec. 15. [EFFECTIVE DATE.]

Section 8 is effective beginning with the 1995-1996 school year."

Delete the title and insert:

"A bill for an act relating to education; authorizing special projects and programs to combat truancy; denying driving privileges for certain truant students; imposing parental liability for failure to exercise reasonable control; requiring the attorney general to report on the effectiveness of school safety programs; increasing school levy authority for crime prevention activities; providing for expulsion of students for possession of a firearm; providing a fee exception for school uniforms; requiring criminal history background checks for teachers and other school district personnel; clarifying authority to deny teacher licenses; modifying offender rehabilitation exceptions; providing for school security; clarifying access to data; limiting school liability for certain security measures; establishing grants for school safety programs; imposing penalties; appropriating money; amending Minnesota Statutes 1994, sections 120.14; 120.73, by adding a subdivision; 125.05, by adding a subdivision; 125.09, subdivision 1; 171.04, subdivision 1; 260.131, by adding a subdivision; 260.132, subdivisions 1 and 4; 260.161, subdivision 3; 260.191, subdivision 1; 260.315; 364.09; 466.03, by adding a subdivision; and 609.605, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 8; 123; and 127; proposing coding for new law as Minnesota Statutes, chapter 260A; repealing Minnesota Statutes 1994, section 126.25; and Laws 1994, chapter 576, section 1."

And when so amended the bill do pass and be re-referred to the Committee on Transportation and Public Transit. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 999, 1247, 605, 830, 873 and 644 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 812 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Vickerman introduced--

S.F. No. 1417: A bill for an act relating to health; occupations and professions; modifying provisions relating to the office of mental health practice; licensing of chemical dependency counselors and hearing instrument dispensers; establishing an advisory council; providing penalties; amending Minnesota Statutes 1994, sections 148B.66, subdivisions 1 and 2, and by adding a subdivision; 148B.68, subdivision 1; 148B.70, subdivision 3; 148C.01; 148C.02;

148C.03, subdivision 1, and by adding a subdivision; 148C.04, subdivisions 2, 3, and 4; 148C.05; 148C.06; 148C.07; 148C.08; 148C.09; 148C.10; 148C.11; 153A.13; 153A.14; 153A.15, subdivisions 1 and 2; 153A.17; 153A.18; 153A.19; 214.01, subdivision 2; 214.10, subdivision 8; and 214.103, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 148C; and 153A; repealing Minnesota Statutes 1994, sections 148B.62; 148C.01, subdivision 8; 148C.03, subdivisions 2 and 3; 148C.035; 148C.09, subdivision 3; and 153A.19, subdivision 1; Minnesota Rules, chapters 4692; and 4745.

Referred to the Committee on Health Care.

Ms. Ranum introduced--

S.F. No. 1418: A bill for an act relating to education; modifying teacher training and experience index; modifying training and experience revenue; renaming training and experience revenue, levy, and aid as teacher compensation revenue, levy, and aid; amending Minnesota Statutes 1994, sections 124A.04, subdivision 2; 124A.22, subdivisions 1, 4, 4a, 4b, 8a, and 9; 124A.23, subdivisions 3 and 4; and 124A.24.

Referred to the Committee on Education.

Messrs. Novak and Johnson, D.J. introduced--

S.F. No. 1419: A bill for an act relating to taxation; corporate franchise tax; modifying the sales factor for leases of certain mobile equipment; amending Minnesota Statutes 1994, section 290.191, subdivisions 5 and 6.

Referred to the Committee on Taxes and Tax Laws.

Ms. Piper, Messrs. Sams, Betzold, Ms. Berglin and Mr. Samuelson introduced--

S.F. No. 1420: A bill for an act relating to health; establishing provisions for mobile health care providers; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health Care.

Messrs. Vickerman, Lessard, Merriam, Mses. Johnston and Robertson introduced--

S.F. No. 1421: A bill for an act relating to local government; providing civil and criminal immunity to persons who operate or use ranges; protecting ranges from planning and zoning laws and ordinances; limiting closings of ranges and providing for relocation costs; proposing coding for new law in Minnesota Statutes, chapter 500; proposing coding for new law as Minnesota Statutes, chapter 87A.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Mondale and Cohen introduced--

S.F. No. 1422: A bill for an act relating to taxation; requiring certification of nonprofit sponsorship of events as a qualification for sales tax exemption; providing for use of the proceeds of the reduced tax expenditure for grants to arts organizations; amending Minnesota Statutes 1994, sections 297A.25, subdivision 24; and 297A.44, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kroening introduced--

S.F. No. 1423: A bill for an act relating to human services; providing for a pilot project to coordinate community violence prevention programs for African-American children; appropriating money.

Referred to the Committee on Family Services.

Mr. Kroening introduced--

S.F. No. 1424: A bill for an act relating to economic security; funding and conditions of Minnesota Youthbuild grants; appropriating money.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Sams; Johnson, D.J.; Belanger; Hottinger and Ms. Reichgott Junge introduced--

S.F. No. 1425: A bill for an act relating to taxation; providing for assessment of platted land in certain municipalities; amending Minnesota Statutes 1994, section 273.11, subdivision 14.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Oliver and Stevens introduced--

S.F. No. 1426: A bill for an act relating to consumer protection; regulating prize notices and solicitations; prohibiting the imposition of shipping or handling fees or other fees or charges to obtain or use a prize; amending Minnesota Statutes 1994, section 325F.755, subdivision 2, and by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Limmer, Terwilliger, Solon, Samuelson and Ms. Berglin introduced--

S.F. No. 1427: A bill for an act relating to health; providing a grant for sudden infant death syndrome; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health Care.

Messrs. Oliver, Belanger and Limmer introduced--

S.F. No. 1428: A bill for an act relating to insurance; automobile; increasing the minimum required coverage for property damage liability; amending Minnesota Statutes 1994, section 65B.49, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Mrs. Pariseau, Messrs. Kramer, Dille, Ms. Lesewski and Olson introduced--

S.F. No. 1429: A resolution memorializing the television networks to actively reduce the amount of violence-laden, sexually explicit material on television programs and to produce television material that promotes wholesome family values and helps to strengthen the family.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Limmer, Ms. Ranum, Messrs. Knutson, Neuville and Ms. Robertson introduced--

S.F. No. 1430: A bill for an act relating to public safety; requiring school hiring authorities to conduct background checks of teachers and other professional school staff; proposing coding for new law in Minnesota Statutes, chapter 120.

Referred to the Committee on Education.

Messrs. Morse and Vickerman introduced--

S.F. No. 1431: A bill for an act relating to pollution control; permitting local governments to

exercise certain feedlot regulatory authority; amending Minnesota Statutes 1994, section 116.07, subdivision 7.

Referred to the Committee on Agriculture and Rural Development.

Mr. Betzold introduced--

S.F. No. 1432: A bill for an act relating to automobile insurance; basic economic loss benefits; providing compensation for in-home nursing care; amending Minnesota Statutes 1994, section 65B.44, subdivision 2.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Dille and Ms. Johnston introduced--

S.F. No. 1433: A bill for an act relating to health; modifying provisions relating to nursing home moratorium exceptions to provide for the transfer of 16 nursing home beds from a previously approved moratorium exception project in Minneapolis to Watertown; amending Minnesota Statutes 1994, section 144A.071, subdivision 4a.

Referred to the Committee on Health Care.

Mr. Morse, Mses. Anderson and Piper introduced--

S.F. No. 1434: A bill for an act relating to health; establishing health risk values for pollutants in ambient air; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health Care.

Ms. Runbeck, Messrs. Belanger, Oliver and Ms. Robertson introduced--

S.F. No. 1435: A bill for an act relating to taxation; reducing property tax class rates; amending Minnesota Statutes 1994, sections 273.13, subdivisions 22, 23, 24, 25, and 31; and 273.1398, subdivision 1; repealing Minnesota Statutes 1994, section 273.13, subdivision 32.

Referred to the Committee on Taxes and Tax Laws.

Mr. Limmer introduced--

S.F. No. 1436: A bill for an act relating to crimes; requiring modifications to the sentencing guidelines to raise the severity level for crimes involving the failure to stop and give notification at the site of a traffic accident.

Referred to the Committee on Crime Prevention.

Mr. Limmer introduced--

S.F. No. 1437: A bill for an act relating to crimes; mandating license plate impoundment and vehicle forfeiture for multiple DWI-related offenses or certain offenses of driving without a driver's license; amending Minnesota Statutes 1994, sections 168.042, subdivision 2; and 169.1217, subdivision 1.

Referred to the Committee on Crime Prevention.

Messrs. Dille and Bertram introduced--

S.F. No. 1438: A bill for an act relating to taxation; providing a temporary partial exemption for the value of certain newly constructed commercial, industrial, or agricultural buildings; proposing coding for new law in Minnesota Statutes, chapter 272.

Referred to the Committee on Taxes and Tax Laws.

Mr. Laidig introduced--

S.F. No. 1439: A bill for an act relating to education; discontinuing the referendum allowance reduction; amending Minnesota Statutes 1994, sections 124.2725, subdivision 16; 124A.22, subdivision 8; and 298.28, subdivision 4; repealing Minnesota Statutes 1994, section 124A.03, subdivision 3b.

Referred to the Committee on Education.

Ms. Berglin introduced--

S.F. No. 1440: A bill for an act relating to human services; adding to definition of base level funding; adding provisions for local children's mental health collaborative; changing provisions for integrated fund task force; requiring approval for a collaborative's integrated service system; amending Minnesota Statutes 1994, sections 245.492, subdivisions 2, 6, 9, and 23; 245.493, subdivision 2; 245.4932, subdivisions 1, 2, 3, and 4; 245.494, subdivisions 1 and 3; 245.495; 245.496, subdivision 3, and by adding a subdivision; and 256B.0625, subdivision 37; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Health Care.

Messrs. Pogemiller and Vickerman introduced--

S.F. No. 1441: A bill for an act relating to public funds; regulating the deposit and investment of these funds, and agreements related to these funds; proposing coding for new law as Minnesota Statutes, chapter 118A; repealing Minnesota Statutes 1994, sections 118.005; 118.01; 118.02; 118.08; 118.09; 118.10; 118.11; 118.12; 118.13; 118.14; 118.16; 124.05; 471.56; 475.66; and 475.76.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Chandler, Limmer, Ms. Anderson and Mr. Novak introduced--

S.F. No. 1442: A bill for an act relating to energy; allowing a St. Paul district heating cogeneration facility that utilizes metropolitan waste wood as a fuel source to count toward satisfying a biomass mandate.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Scheevel, Kramer and Kleis introduced--

S.F. No. 1443: A bill for an act relating to education; providing funding for the Minnesota Homework Helpline; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Solon; Johnson, D.J. and Chmielewski introduced--

S.F. No. 1444: A bill for an act relating to state lands; providing for the sale of certain tax-forfeited lands in St. Louis county.

Referred to the Committee on Environment and Natural Resources.

Mr. Ourada introduced--

S.F. No. 1445: A bill for an act relating to education; modifying the procedure of the state board to adopt the graduation rule; amending Minnesota Statutes 1994, section 121.11, subdivision 7c.

Referred to the Committee on Education.

Ms. Kiscaden, Messrs. Price and Belanger introduced--

S.F. No. 1446: A resolution memorializing Congress to amend the Jenkins Act, Public Law Number 363, 81st Congress, to require any person who makes or offers to make certain sales or transfers of tobacco products in interstate commerce for profit to file information reports with the state tobacco tax administrator; and, as supported by the Federation of Tax Administrators, to increase the penalty from a misdemeanor to a gross misdemeanor.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Dille, Ms. Johnston, Messrs. Langseth, Chmielewski and Ms. Hanson introduced--

S.F. No. 1447: A bill for an act relating to transportation; requiring motor vehicle dealers to disclose limitations of safety equipment; making seat belt violation a primary offense; allowing licensed drivers to voluntarily submit to driver's license examination; requiring annual report concerning highway safety projects; increasing gasoline excise tax rate; establishing state trunk highway safety program; amending Minnesota Statutes 1994, sections 169.686, subdivision 1; 171.13, by adding a subdivision; 174.03, subdivision 4; and 296.02, subdivision 1b, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 161; and 169.

Referred to the Committee on Transportation and Public Transit.

Messrs. Morse and Cohen introduced--

S.F. No. 1448: A bill for an act relating to state government; providing for the protection of state agency intellectual property; appropriating money; amending Minnesota Statutes 1994, section 16B.483; repealing Minnesota Statutes 1994, section 16B.405.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Vickerman introduced--

S.F. No. 1449: A bill for an act relating to education; extending availability of a planning grant for facility needs for certain districts acting as a joint powers agreement.

Referred to the Committee on Education.

Mr. Scheevel, Ms. Robertson and Mr. Knutson introduced--

S.F. No. 1450: A bill for an act relating to education; providing for a referendum to fund extracurricular activities; amending Minnesota Statutes 1994, section 124A.03, by adding a subdivision.

Referred to the Committee on Education.

Ms. Berglin, Mr. Pogemiller, Ms. Flynn and Mr. Spear introduced--

S.F. No. 1451: A bill for an act relating to the city of Minneapolis; authorizing the city to establish special service districts within the city; amending Laws 1985, chapter 302, section 2, subdivision 1, as amended.

Referred to the Committee on Metropolitan and Local Government.

Ms. Johnson, J.B.; Mr. Samuelson, Mses. Piper, Berglin and Mr. Stevens introduced--

S.F. No. 1452: A bill for an act relating to services for persons with developmental disabilities; establishing an integrated network of campus and community services in the catchment area served by the Cambridge regional human services center; requiring a redevelopment plan;

authorizing sale of state property; reallocating bond proceeds; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 16B; and 252.

Referred to the Committee on Health Care.

Ms. Olson, Mr. Belanger, Ms. Flynn, Reichgott Junge and Mr. Bertram introduced--

S.F. No. 1453: A bill for an act relating to taxation; property; excepting property subject to probate from accrual of penalties and tax delinquency; amending Minnesota Statutes 1994, section 279.01, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.E. introduced--

S.F. No. 1454: A bill for an act relating to taxation; authorizing certain municipalities to establish tax abatement districts; proposing coding for new law in Minnesota Statutes, chapter 272.

Referred to the Committee on Taxes and Tax Laws.

Mr. Merriam introduced--

S.F. No. 1455: A bill for an act relating to game and fish; form of licenses; reports by licensees; amending Minnesota Statutes 1994, sections 97A.045, subdivision 5; and 97B.061.

Referred to the Committee on Environment and Natural Resources.

Mr. Merriam introduced--

S.F. No. 1456: A bill for an act relating to data practices; medical records; prohibiting a charge for copies of records required for a Social Security Act claim; amending Minnesota Statutes 1994, section 144.335, subdivision 5.

Referred to the Committee on Judiciary.

Ms. Anderson, Messrs. Spear, Laidig, Merriam and Ms. Ranum introduced--

S.F. No. 1457: A bill for an act relating to crime prevention; removing the repeal of the lengthened school year; requiring state departments and agencies to enact violence prevention plans and prepare impact statements; expanding the home health visiting program; establishing a grant program to develop parenting curriculum; broadening the scope of parental leave for school conferences and activities; requiring violence prevention training for physicians and nurses; requiring health care coverage for abuse counseling; forbidding lottery revenues from being used for advertising; establishing pilot project neighborhood centers for youth; establishing a statewide computerized record system on persons granted a permit to purchase or carry a pistol or semiautomatic military-style assault weapon and on transfers of these firearms; permitting the information to be used for law enforcement purposes only; appropriating money; amending Minnesota Statutes 1994, sections 13.99, by adding a subdivision; 15.86, by adding a subdivision; 62A.152, subdivision 2; 62D.102; 145A.15; 181.9412; 214.12, by adding a subdivision; and 349A.10, subdivision 3; Laws 1993, chapter 224, article 12, section 32; proposing coding for new law in Minnesota Statutes, chapters 299A; and 624.

Referred to the Committee on Crime Prevention.

Mr. Pogemiller introduced--

S.F. No. 1458: A bill for an act relating to taxation; sales and use tax; exempting construction material used in building certain low- and moderate-income housing; amending Minnesota Statutes 1994, sections 297A.15, by adding a subdivision; and 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf, Langseth, Vickerman, Bertram and Sams introduced--

S.F. No. 1459: A bill for an act relating to employment; modifying provisions relating to prevailing wages; amending Minnesota Statutes 1994, sections 177.42, subdivisions 4 and 6; 177.43, subdivisions 1 and 3; and 471.345, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 177.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Cohen, Kelly, Mses. Anderson and Runbeck introduced--

S.F. No. 1460: A bill for an act relating to juvenile violence; authorizing the county of Ramsey to establish a juvenile violence prevention task force; appropriating money.

Referred to the Committee on Crime Prevention.

Messrs. Morse, Oliver, Frederickson, Ms. Johnson, J.B. and Mr. Merriam introduced--

S.F. No. 1461: A bill for an act relating to the environment; changing the name and duties of the environmental quality board; establishing a Minnesota sustainable development roundtable; establishing principles of sustainable development; amending Minnesota Statutes 1994, sections 116C.01; 116C.02, subdivision 2, and by adding a subdivision; 116C.03, subdivisions 1 and 2; 116C.04, subdivisions 2, 3, and 7; 116C.06, subdivisions 1 and 2; 116D.02, by adding a subdivision; and 116D.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1994, sections 116C.04, subdivision 11; 116D.10; and 116D.11.

Referred to the Committee on Environment and Natural Resources.

Mr. Price and Ms. Pappas introduced--

S.F. No. 1462: A bill for an act relating to education; creating a year-round school pilot program; appropriating money; amending Minnesota Statutes 1994, sections 124.223, subdivision 8; and 124.243, subdivision 2.

Referred to the Committee on Education.

Messrs. Finn, Knutson and Ms. Ranum introduced--

S.F. No. 1463: A bill for an act relating to juveniles; prescribing treatment of certain information on juveniles by schools; amending Minnesota Statutes 1994, sections 13.32, subdivision 7; and 260.161, subdivision 1b.

Referred to the Committee on Judiciary.

Mr. Ourada introduced--

S.F. No. 1464: A bill for an act relating to water; requiring the commissioner of natural resources to allow the water level of Lake Pulaski to be lowered.

Referred to the Committee on Environment and Natural Resources.

Mr. Larson introduced--

S.F. No. 1465: A bill for an act relating to education; providing for a service fee levy for school districts that have operated a technical college; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Mses. Runbeck, Krentz and Mr. Knutson introduced--

S.F. No. 1466: A bill for an act relating to education; providing for courses for fees, unlicensed teaching of students during teacher preparation time, and a cash flow waiver for school districts in statutory operating debt status; amending Minnesota Statutes 1994, sections 120.73, by adding a subdivision; and 124.195, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 125.

Referred to the Committee on Education.

Mr. Cohen, Ms. Pappas, Messrs. Kleis and Pogemiller introduced--

S.F. No. 1467: A bill for an act relating to economic development; requiring the department of trade and economic development to conduct a study assessing the benefits of public civic and convention centers.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Johnson, D.J.; Solon; Lessard; Chmielewski and Janezich introduced--

S.F. No. 1468: A bill for an act relating to taxation; allocating \$1,000,000 annually from the occupation taxes paid by taconite companies to the Natural Resources Research Institute of the University of Minnesota, to be used for certain purposes; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 298.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Metzen, Solon, Janezich, Belanger and Ms. Olson introduced--

S.F. No. 1469: A bill for an act relating to financial institutions; regulating savings banks; modifying and clarifying statutory provisions relating to the structure and functions of savings banks; making technical changes; amending Minnesota Statutes 1994, sections 9.031, subdivision 8; 46.047, subdivision 2; 47.01, subdivisions 2 and 3; 47.015, subdivision 1; 47.02; 47.10, subdivision 1; 47.12; 47.20, subdivisions 1 and 9; 47.201, subdivision 1; 47.205, subdivision 1; 47.209, subdivision 1; 47.27, subdivision 2; 47.29, subdivision 1; 47.30, subdivisions 1, 2, 3, 4, and 6; 47.51; 47.62, subdivision 4; 47.64, subdivision 1; 47.65, subdivisions 1 and 2; 48.01, subdivision 2; 49.42; 50.01; 50.03; 50.04; 50.05; 50.06; 50.11; 50.13; 50.14, subdivisions 1, 5, 7, and 8; 50.145; 50.146; 50.1465; 50.148; 50.155; 50.17; 50.175, subdivision 1; 50.19; 50.21; 50.22; 50.23; 50.245; 50.25; 51A.02, subdivisions 26 and 40; 51A.21, by adding a subdivision; 51A.385, subdivisions 2 and 3; 61A.09, subdivision 3; 62B.02, by adding a subdivision; 62B.04, subdivisions 1 and 2; and 300.20; proposing coding for new law in Minnesota Statutes, chapters 46; 47; and 50; repealing Minnesota Statutes 1994, sections 47.095; 47.67; 48.153, subdivisions 3a, 4, and 5; 48.26; 50.02; 50.07; 50.08; 50.09; 50.10; 50.12; 50.15; and 50.16.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Runbeck introduced--

S.F. No. 1470: A bill for an act relating to education; increasing the general education formula allowance; adding more local control to the class size reduction program; limiting reserved revenue for staff development programs to one percent of the formula allowance; restoring transportation inflation factors; modifying the debt service equalization aid program; repealing the referendum reduction; amending Minnesota Statutes 1994, sections 124.225, subdivisions 7b and 7d; 124.2725, subdivision 16; 124.95, subdivisions 3 and 4; 124A.22, subdivisions 2 and 8; 124A.225, subdivision 4; 124A.29, subdivision 1; and 298.28, subdivision 4; repealing Minnesota Statutes 1994, section 124A.03, subdivision 3b.

Referred to the Committee on Education.

Ms. Ranum introduced--

S.F. No. 1471: A bill for an act relating to human services; providing for a Minnesota community services directory; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Education.

Mr. Stumpf introduced--

S.F. No. 1472: A bill for an act relating to drainage; allowing an outlet fee to be charged for use of an established drainage system in Red Lake county as an outlet for drainage originating in Polk county.

Referred to the Committee on Metropolitan and Local Government.

Mr. Stumpf introduced--

S.F. No. 1473: A bill for an act relating to state lands; authorizing the conveyance of certain state land in Roseau county.

Referred to the Committee on Environment and Natural Resources.

Ms. Runbeck, Messrs. Kramer, Hottinger, Beckman and Ms. Olson introduced--

S.F. No. 1474: A bill for an act relating to taxation; prohibiting use of tax increment subsidies to certain employers; amending Minnesota Statutes 1994, section 469.176, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Ms. Runbeck, Messrs. Kramer and Hottinger introduced--

S.F. No. 1475: A bill for an act relating to taxation; property; requiring that certain information about the taxing authority's highest paid employees be made available at the proposed property tax hearing; amending Minnesota Statutes 1994, section 275.065, subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Mr. Beckman, Ms. Olson, Mr. Janezich and Ms. Krentz introduced--

S.F. No. 1476: A bill for an act relating to education; modifying the youth works grant program; establishing a statewide education and employment transitions system; establishing the governor's workforce development council; modifying the youth apprenticeship program; establishing local education and employment transitions partnerships; establishing system standards; establishing a youth employer grant program; establishing a career magnet grant program; appropriating money; amending Minnesota Statutes 1994, sections 121.702, by adding a subdivision; 121.705; 121.706; 121.707, subdivisions 4, 6, and 7; 121.708; 121.709; 121.710; 124C.45, subdivision 1; 124C.46, subdivision 2; 124C.48, subdivision 1; 126B.01; 126B.03; 126B.04; and 126B.05; Laws 1993, chapter 146, article 5, section 1, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 126B; repealing Minnesota Statutes 1994, sections 121.702, subdivision 9; 121.703; 126B.02; and 268.9755.

Referred to the Committee on Education.

Mr. Beckman introduced--

S.F. No. 1477: A bill for an act relating to tax increment financing; exempting a tax increment financing district in the city of Fairmont from the state aid offset.

Referred to the Committee on Taxes and Tax Laws.

Ms. Pappas introduced--

S.F. No. 1478: A bill for an act relating to local government; requiring certain distributions from the areawide pool to be approved by the board of government innovation and cooperation; amending Minnesota Statutes 1994, section 473F.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473F.

Referred to the Committee on Metropolitan and Local Government.

Mses. Anderson, Flynn, Pappas and Berglin introduced--

S.F. No. 1479: A bill for an act relating to consumer protection; providing warranties for new assistive devices; providing enforcement procedures; proposing coding for new law in Minnesota Statutes, chapter 325G.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Pappas, Mr. Pogemiller, Ms. Flynn, Messrs. Hottinger and Price introduced--

S.F. No. 1480: A bill for an act relating to education; providing for revenue for reducing school district class size ratios; appropriating money; amending Minnesota Statutes 1994, sections 124A.225, by adding a subdivision; and 297A.02, subdivision 5.

Referred to the Committee on Education.

Mr. Mondale introduced--

S.F. No. 1481: A bill for an act relating to taxation; property; providing for deferment of taxes of senior citizens who meet certain income requirements; appropriating money; amending Minnesota Statutes 1994, sections 275.065, subdivision 3; and 276.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Oliver, Mondale, Terwilliger and Ms. Robertson introduced--

S.F. No. 1482: A bill for an act relating to economic development and redevelopment; establishing the metropolitan revitalization fund; providing funding for housing and urban development in the metropolitan area; authorizing a special jobs opportunity program for AFDC recipients; providing for a sales tax refund for certain construction materials; creating an urban homesteading program; providing funding for affordable housing that is related to community economic development and redevelopment; providing for a sales tax refund for certain construction materials; appropriating money; amending Minnesota Statutes 1994, sections 290.01, subdivision 19b; 297A.15, by adding a subdivision; 297A.25, by adding a subdivision; 462A.201, by adding a subdivision; 462A.222, subdivision 3; 477A.011, subdivision 37; 477A.013, subdivisions 8, 9, and by adding subdivisions; and 477A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 256; and 473; repealing Minnesota Statutes 1994, sections 504.33; 504.34; and 504.35.

Referred to the Committee on Metropolitan and Local Government.

Ms. Johnson, J.B. introduced--

S.F. No. 1483: A bill for an act relating to education; providing a grant for a pilot year-round school program in independent school district No. 911, Cambridge; appropriating money.

Referred to the Committee on Education.

Messrs. Merriam, Hottinger, Riveness and Scheevel introduced--

S.F. No. 1484: A bill for an act relating to agriculture; repealing the commissioner of agriculture's authority over the inspection, grading, weighing, sampling, and analysis of grain in the state; abolishing the grain inspection division of the department of agriculture; proposing coding for new law in Minnesota Statutes, chapter 235; repealing Minnesota Statutes 1994, sections 17B.01; 17B.02; 17B.03; 17B.04; 17B.041; 17B.0451; 17B.048; 17B.05; 17B.06; 17B.07; 17B.10; 17B.11; 17B.12; 17B.13; 17B.14; 17B.15; 17B.16; 17B.17; 17B.18; 17B.20; 17B.21; 17B.22; 17B.23; 17B.24; 17B.25; 17B.26; 17B.27; 17B.28; and 17B.29.

Referred to the Committee on Agriculture and Rural Development.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that S.F. No. 1290 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Governmental Operations and Veterans. The motion prevailed.

Mr. Riveness moved that S.F. No. 999, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Mr. Kelly was excused from the Session of today from 10:00 to 11:00 a.m. Mr. Samuelson was excused from the Session of today from 10:00 to 10:30 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:45 a.m., Wednesday, March 29, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

